WEDNESDAY, 5 AUGUST 1992

Mr SPEAKER (Hon. J. Fouras, Ashgrove) read prayers and took the chair at 2.30 p.m.

PETITIONS

The Clerk announced the receipt of the following petitions—

Russell Island

From **Mr Briskey** (1 signatory) praying for a full judicial public inquiry into why the Redland Shire Council has not taken appropriate town planning measures to replan Russell Island and why State Government departments have not monitored the situation.

Supermarket Trading Hours

From **Mr Beanland** (315 signatories) praying that the Parliament of Queensland reject the proposal by Coles Myer to change the laws on trading hours which would allow supermarkets to remain open until 10 p.m. Monday to Friday.

Oxenford TAB

From **Mr Szczerbanik** (818 signatories) praying that the Oxenford TAB remain in its present location.

Rosenthal Shire

From **Mr Booth** (497 signatories) praying that the Parliament of Queensland desist from the proposed abolition of Rosenthal Shire or hold a referendum to decide the issue.

Old Treasury Building

From **Mr Beattie** (36 signatories) praying that the proposal to use the Treasury site for a casino be not proceeded with.

Chermside Police Station

From **Mr J. N. Goss** (726 signatories) praying that a police station be retained in Chermside manned by at least 10 officers and that it remain open from 7 a.m. to 10 p.m. seven days a week.

State Education Department Subsidies Scheme

From **Mr Turner** (21 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.

Similar petitions were received from **Mr Lingard** (12 signatories), **Mr Quinn** (10 signatories) and **Dr Clark** (20 signatories) respectively.

Community Legal Centres

From **Mr Cooper** (15 signatories) praying that the Parliament of Queensland will continue to fund community legal centres.

A similar petition was received from **Mr Wells** (512 signatories).

Pornographic Material

From **Mr Schwarten** (15 signatories) praying that Parliament enact laws which set standards for the presentation, exhibition, promotion and sale of "soft" pornographic magazines in newsagencies and other retail outlets.

Petitions received.

SUBORDINATE LEGISLATION

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

Education (General Provisions) Act—

- Education (Approval of Enrolment of Overseas Students) Order (No.1) 1992
- Education Centres (Discontinuance) Order 1992

Grammar Schools Act—

- Grammar Schools Regulation 1992

Griffith University Act—

- Statute of the Griffith University establishing Statute 14.2

James Cook University of North Queensland Act—

- Statute of the James Cook University of North Queensland amending Statute 29

Industrial Development Act—

- Caloundra City Council (Acquisition of Responsibility for Roads in Caloundra Industrial Estate) Order 1992
- Logan City Council (Acquisition of Responsibility for Roads in Marsden Industrial Estate) Order 1992
- Maroochy Shire Council (Acquisition of Responsibility for Roads in Yandina Industrial Estate) Order 1992
- Noosa Shire Council (Acquisition of Responsibility for Roads in Noosaville Industrial Estate) Order 1992
- Redland Shire Council (Acquisition of Responsibility for Roads in Cleveland Industrial Estate) Order 1992
- Toowoomba City Council (Acquisition of Responsibility for Roads in Wilsonton Industrial Estate) Order 1992

Racing Venues Development Act—

- Albion Park Paceway (Appointment of Trustees) Order 1992
- Willows Paceway (Appointment of Trustee) Order 1992

State Housing Act—

- State Housing Perpetual Town Lease No.1493 (Correction) Order 1992

Transport Infrastructure (Roads) Act—

- Notification: Caloundra-Noosa Road (Maroochy/Noosa Shires), access to the proposed new road be limited
- Notification: Cleveland Sub-Arterial Road (Brisbane City), access to land be limited
- Notification: Cunningham Arterial Road (Brisbane City), access to the proposed widening and interchanges of the road be limited

University of Central Queensland Act—

- Statute of the University of Central Queensland rescinding Statutes 4.3, 9.2 and 10.1
- University of Central Queensland (Council) Proclamation (No.1) 1992, No.129

University of Southern Queensland Act—

- Statute of the University of Southern Queensland establishing Statute 9 and establishing new Statute 13

PAPERS

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

Mr Braddy—

Reports for the year ended December 31, 1991—

Board of Trustees of the Brisbane Grammar School.

Board of Trustees of the Ipswich Grammar School.

Board of Trustees of the Rockhampton Girls' Grammar School.

Queensland University of Technology.

MINISTERIAL STATEMENT

Sub Judice Rule

Hon. D. M. WELLS (Murrumba—Attorney-General) (2.33 p.m.), by leave: Yesterday, the Leader of the Opposition gave notice that he would seek to re-enliven the debate on certain matters which were expunged from the record of *Hansard* for the purposes of protecting the rule of law. I am aware that it is unusual to table an advice from the Solicitor-General but, on this occasion, the Solicitor-General has advised me that he has no difficulty with my doing so. I table an advice from the Solicitor-General that the matters concerned still remain sub judice and that they do so until such time as there are no longer proceedings pending against the individuals concerned. I table that statement.

MINISTERIAL STATEMENT

Premier's Visit to Indonesia and Singapore

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (2.34 p.m.), by leave: I wish to report to the House on my visit to Indonesia and Singapore. As I understand it, this was the first official visit to Indonesia by a Queensland Premier. This Government has a strong commitment to strengthening the relationship between Queensland and Asia generally, and Indonesia specifically. Honourable members would be aware that, as part of this commitment, in September last year the Queensland Government signed a sister-State agreement with the Indonesian province of Central Java. My visit to Indonesia was in part to pay a reciprocal call on the Governor of Central Java, Mr Ismail, and more particularly to explore and promote trade opportunities between Queensland and Indonesia.

Indonesia is now one of Queensland's fastest-growing export markets, with the volume of trade last year estimated at $160m—an increase of 73 per cent over the previous year. Enormous potential still exists to expand Queensland's trade with and investment in Indonesia. The primary purpose of this trade mission was to open up new opportunities for Queensland companies. During my visit, I was able to confirm the Queensland Government's commitment to further the relationship at the highest possible

level through my meeting with President Soeharto and other senior Government Ministers. These meetings, and those that I held with industry representatives, not only established the necessary high level of contact between Queensland and Indonesia, but also have already opened up a number of new opportunities for future trade expansions. During the visit, I was also able to reconfirm this Government's commitment to expanding our foreign language and culture studies program and announce plans to develop a special education agreement with Central Java.

As I said, my visit was the first by a Queensland Premier to Indonesia. I believe it was a great success on a number of fronts. Firstly, it strengthened the high level of contact between the Queensland Government and Indonesian political and business figures. It also opened up several business and trade opportunities for Queensland businesses. In addition, it cemented the sister-State agreement between Queensland and Central Java and enhanced cultural and social links between our State and one of our nearest neighbours.

I seek leave to table a more detailed report and summary notes of meetings attended by Queensland Government and business representatives and myself during the trip to Indonesia and Singapore and have them incorporated in *Hansard*.

Leave granted.

Today I wish to report to the house on my official visit to Indonesia and Singapore.

This visit was the first official visit to Indonesia by a Queensland Premier.

Since this Government was elected almost three years ago, we have taken a number of steps to strengthen the relationship between Queensland and Asia generally, and Indonesia specifically.

Prior to my visit, there had already been a great deal of high level contact between Queensland and Indonesia.

The Minister for Transport and the Minister assisting me on Economic and Trade Development, Mr Hamill, has visited Indonesia four times in the last two years and has developed close working links with senior political and business figures there.

In addition, as members would know, in September last year the Queensland Government entered into a sister-State agreement with the Indonesian province of Central Java.

I signed that sister-State agreement with the Governor of Central Java, His Excellency Mr Ismail, during his visit to Queensland in September 1991.

My visit to Indonesia was, in part, to pay a reciprocal call on Governor Ismail and more particularly to explore and promote trade opportunities between Queensland and Indonesia.

The Queensland Government has a strategic economic objective—the expansion of trade and investment links with the growing markets of Asia.

Our new focus and commitment to strengthening our ties with countries such as Indonesia is something that we see as part of the broader issue of the most appropriate way for Queensland to present itself to the wider world.

We see this as vitally important to the future of the Queensland economy given our reliance both on exports and international capital to assist in developing the very substantial potential of this State.

Traditionally, Queensland's official presence in foreign nations tended to be based on historical relationships rather than economic and geographic realities.

In addition, the State's activities in the area of trade and investment development was previously scattered through various departments.

Since our election we have concentrated all of the Government's resources in this area into the new trade and investment development division in my department and have given it a charter of increasing exports of Queensland goods and services and attracting higher levels of foreign investment and co-operation between Queensland and foreign nations to our mutual benefit.

Our principal goal is to create an export culture in public and private sectors and throughout the broader community.

I am pleased to be able to report that these changes are having positive benefits for Queensland and Queensland businesses.

Indonesia is now one of Queensland's fastest growing export markets with the volume of trade last year estimated at $160 million, an increase of 73 per cent over the previous year.

Recognising this, an Indonesian Secretariat has been established within my department. Its specific charter is to encourage trade initiatives and establish new business links between Queensland and Indonesia. It also provides information on trade opportunities and contacts to interested businesses and individuals.

There is still enormous potential to expand Queensland's trade and investment in Indonesia and the primary purpose of this trade mission was to open up new opportunities for Queensland companies.

During my visit I was able to confirm the Queensland Government's commitment to further the relationship with Indonesia at the highest possible level through my meeting with President Soeharto and other senior Government Ministers.

These meetings, and those I held with industry representatives, not only established the necessary high level contact between Queensland and Indonesia, but have already opened up a number of new opportunities for future trade expansion.

I was accompanied on this trip by the Queensland Confederation of Industry's General Manager, Mr Clive Bubb, and Mr Maurice Clarke of Evans Deakin Industries—one of our largest engineering companies—and Mr Leo The, a representative of Queensland Cotton.

To provide honourable members with some details of the success of the trade mission, I make the following points.

As a result of meetings Mr Clarke and I had with Indonesia's Minister for Communications, Mr Azwar Anas, Evans Deakin Industries will now be having further meetings with senior government officials and submitting a detailed proposal to supply high quality passenger coaches in a joint venture arrangement. Evans Deakin Industries have a good track record in this area and if they are successful in obtaining the contract, it will mean jobs for Queenslanders and millions of export dollars for the State.

On another level, cotton is our leading export to Indonesia with an estimated value of more than $42 million.

With Indonesia's rapidly growing textile industry we are eager to see Queensland Cotton sell more of their product to Indonesia.

Following our visit and discussions with senior management of Bitratex, a high quality expanding cotton mill, Queensland Cotton will now be supplying the company with samples in a bid to obtain a permanent contract.

As well as these developments, there are a number of other projects being pursued, including:

- the possible export of agricultural crop spraying aircraft;
- the provision of educational and business programs to students in Central Java;
- the provision of scientific services to Indonesia's food processing industry;
- a number of architectural and engineering companies providing consulting services;
- the involvement by a Queensland company in a major integrated housing development and landfill project; and
- the Queensland Department of Primary Industries providing technical advice, assistance and staff to Australian-Indonesian joint venture meat companies.

To further boost trade and investment between Queensland and Indonesia, particularly the province of Central Java, I was able to confirm that we will be establishing a Central Java information centre in Brisbane later this year.

The centre, like the Queensland Information Centre in Semarang, will become a vital information source for the Queensland business community seeking details on trade and investment opportunities or wanting to develop business relations in Central Java. It will also prove to be a valuable place for the public wanting general information about Indonesia and Central Java.

The centre will be funded and staffed by the Queensland Government and will complement the work of the Indonesian Secretariat within my department.

The sister-State agreement between Queensland and Central Java not only serves to mutually benefit our economies, but it also promotes cultural and social links.

To enhance our economic, cultural and social links with our Asian neighbours, we have embarked on an extensive foreign language and culture studies program in Queensland schools.

I was proud to be able to inform Indonesian officials that Queensland is the only State in Australia to have introduced such a comprehensive foreign language teaching program across its school population.

As members would be aware, under this program by the turn of the century, every student will study a foreign language from year 1 to 8 and at least 20 percent of final year school students will have completed 12 years of continuous foreign language studies.

Indonesian is one of the priority languages in this program.

The Indonesian community was very impressed to hear that approximately 70 percent of Queensland schools are teaching a foreign language and Indonesian is being taught in more than 50 schools throughout the State. That number is continuing to expand.

I was also pleased to be able to announce that we will soon be signing an education agreement with Central Java. This will enable greater cultural exchange and will see sister-school arrangements and teacher exchange programs develop.

Mr Speaker, as I said, my visit was the first for a Queensland Premier to Indonesia, and I believe was a great success on a number of fronts. Firstly, it strengthened the high level contact between the Queensland Government and Indonesian political and business figures. It also opened up several business and trade opportunities for Queensland businesses. In addition, it cemented the sister-State agreement between Queensland and Central Java and it enhanced cultural and social links between our State and one of our nearest neighbours.

Meeting Summary Notes

Visit by Premier of Queensland

Mr Wayne Goss, m.L.A.,

Indonesia and Singapore

Premier's Meetings in Jakarta

: President Soeharto

- a 45 minute private meeting was held with President Soeharto. I was accompanied by the Australian Ambassador to Indonesia, Mr. Philip Flood. The meeting with the President was considered to be very significant by the Australian Embassy.
- I expressed my gratitude for the opportunity to meet not only with His Excellency, but also several of his senior Ministers. His Excellency and his Minister's co-operation, assistance and interest was greatly welcomed.
- I assured President Soeharto of the Queensland Government's commitment to strengthen economic and cultural links with the people of Indonesia and the people of Central Java in particular.
- President Soeharto encouraged the Government of Queensland to continue to build closer ties with Indonesia. The President expressed appreciation for the efforts that the Queensland Government was making to teach Indonesian language, history and culture in the State school system.
- President Soeharto was fully supportive of the Sister-state relationship with Central Java and the various economic and cultural efforts undertaken.

: Minister of Foreign Affairs, Mr Ali Alatas

- I met with Foreign Affairs Minister Mr Ali Alatas upon his return from Tokyo and immediately before the Queensland delegation was to leave for Central Java. In attendance were senior officers of the Australian Embassy and the Director General of the Department of the Premier, Economic and Trade development.
- I outlined the Queensland Government's commitment to developing closer ties between Queensland and Indonesia and expressed the belief that there is much that we can learn from each other and economic and cultural exchanges will be an integral aspect of this relationship.

- I informed Mr Alatas of the intensive work that has commenced to achieve the goals of promoting and expanding the effective and mutually beneficial relationship.
- Mr Ali Alatas was aware of Queensland's growing interest in Indonesian language and culture and was most supportive of our sister-state relationship with Central Java.
- Mr Alatas pledged his Government's support in continuing to build relationships between Australia and Indonesia and Queensland in particular.

: Minister for Home Affairs, Mr. Rudini

- The meeting with Mr Rudini was held at Ambassador Philip Flood's residence.
- Mr Rudini, as Home Affairs Minister, was the chief architect of the sister-state/province relationships between Queensland and Central Java. He was very familiar with Queensland's efforts in this regard and well briefed by Minister for Transport and Minister assisting the Premier on Economic and Trade Development on previous visits.
- I advised Mr Rudino of the Queensland Government's plans to open a Central Java information centre, similar to the Queensland Information Centre to facilitate community access to information on the Sister-State/Province Agreement and to provide an excellent source of information for people wanting to initiative business.
- I also advised that since the signing of the Agreement, the business community showed great interest in the Government initiatives.
- Mr Rudini expressed great satisfaction at the progress of the relationship between Central Java and Queensland and was very optimistic about the potential economic spinoffs of this relationship for both Indonesia and Australia.

: Minister of Communications, Mr. Azwar Anas

- The Minister of Communications met the Queensland delegation and extensive discussions resulted between mission members and senior officials of his department.
- As Minister of Communications Mr Anwar is also responsible for transportation and a detailed discussion ensued concerning opportunities for Queensland companies to tender for transport infrastructure work in Indonesia.
- Mr Anas had met with Minister Hamill previously and was very knowledgeable about Queensland.
- During this meeting Mr Maurice Clarke of Evans Deakins Industries was encouraged to proceed with negotiations on several commercial projects.

: Junior Minister for Industry, Mr. T Ariwibowo

- The Junior Minister for Industry met Queensland delegation and extensive discussions resulted between mission members and senior officials of his department.
- There was specific discussion about how Queensland companies could assist in the development of tourism projects in Indonesia. I assured the Minister that Queensland's consulting engineers, architects and planners were some of the most experienced in the world in this field.
- The Junior Minister will be visiting Queensland in the not too distant future to pursue tourism infrastructure matters. I welcomed his visit and indicated Queensland had several world-class tourism facilities worth inspecting.

: Australian Ambassador and Senior Trade Commissioner

- A two hour briefing was presented by the Australian Ambassador and senior staff of the Embassy and Austrade upon arrival in Jakarta. All aspects of Australian-Indonesian relations were covered with specific emphasis on Queensland commercial interests.

: Queensland Government business reception

- More than 100 business executives representing Queensland companies and their agents attended a business function hosted by the Government of

Queensland. Austrade officials indicated this was the largest function of this kind in recent years.

- I delivered a formal speech outlining the Queensland Government objectives in increasing trade and investment between Queensland and Indonesia.

Premier's meetings in Semarang

: Governor of Central Java, Mr. Ismail

- Governor Ismail hosted the Queensland delegation to a formal state dinner in Semarang attended by the heads of all provincial departments, the Chancellors of five Central Javanese universities and the senior executives of the major exporting companies in Central Java.
- Governor Ismail and I also held a private meeting in the Governor's office in which the future expansion of the Central Java-Queensland relationship was discussed.

: Visit to and discussions with management of Bitratex (cotton processing) industry

- I visited one of Indonesia's most modern yarn factories. I was accompanied by the Indonesian representative of Queensland Cotton and other executives of companies related to the industry. The Queensland party was briefed on all aspects of the yarn industry by the heads of each department. Follow up meetings were held between Queensland companies and their representatives and Indonesian business people.

Premier's meeting in Singapore

with:

: Australian High Commissioner and Embassy staff

: Australian Senior Trade Commissioner

: Private sector: David Murray, Chief Manager, ANZ Banking Group Ltd; President Singapore Australian Business Council; President, Singapore International Chamber of commerce.

- A full briefing on Singapore was given by the High Commissioner, senior members of the staff and senior Austrade representatives.
- A discussion followed on ways Queensland could increase its trade and investment activity in Singapore.

APPROPRIATION BILL (No. 1)

All Stages

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (2.37 p.m.), by leave, without notice: I move—

"That so much of the Standing Orders be suspended as would otherwise prevent the receiving of Resolutions from the Committees of Supply and Ways and Means on the same day as they shall have been passed in those Committees and the passing of an Appropriation Bill through all its stages in one day."

Motion agreed to.

PERSONAL EXPLANATION

Mr FOLEY (Yeronga) (2.38 p.m.), by leave: I have been misrepresented. I refer to an article in today's *Courier-Mail* reporting my speech in this House yesterday which responded to recently published academic criticism of the Goss Government's reform record. It was mistakenly inferred by a person named in the article that my comments denigrated the professional reputation of Ms Rae Wear of the University of Southern Queensland and Dr Paul Reynolds of the University of Queensland. Both of those persons are highly respected in their fields. In fact, my speech outlined the detailed evidence of recent reforms to fundamental rights and freedoms and was intended as a

robust reply to robust criticism in the course of public debate. It was not intended in any way as an attack on the professional reputations of the persons named in the article.

PRIVILEGE

Circular Issued by Director-General of Premier's Department

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (2.39 p.m.): I rise on a matter of privilege. In accordance with the level of paranoia that is presently in the Premier's Department, my staff received a circular from the Director-General of the Premier's Department which I submit reflects on my ability to do my job. The circular states—

> "Subject: Speaking with the Media
>
> It has come to my attention that there have been instances lately of media representatives contacting departmental officers seeking information of a general nature."

This circular was sent to my press secretary and my personal staff. In the circular, the director-general further stated—

> "I would like to remind staff that all media enquiries should be directed in the first instance to the Premier's staff and no comment should be offered by departmental officers."

Mr SPEAKER: Order! That is not a matter of privilege.

Mr BORBIDGE: Mr Speaker, I just wish to——

Mr SPEAKER: Order! I am on my feet. I have made my ruling. It is not a matter of privilege. The Leader of the Opposition has made his point.

Mr BORBIDGE: As Leader of the Opposition, I believe that my staff have the capacity and they should have the right to speak to the media. I wish to advise the House that my staff do not intend to comply with the director-general's request which, on the Premier's specific instructions, was written and issued with the pay cheques.

QUESTIONS WITHOUT NOTICE

Penalties for Union Officials Convicted of Offences

Mr BORBIDGE: I ask the Premier: how can he justify a special deal for his union mates whereby a union official who fails to keep proper accounts on behalf of the union is liable to a fine of $2,400 while a company official convicted of the same offence is liable to a fine of $5,000 and/or one year in gaol? Also, how can he justify a special deal for his union mates whereby a union official convicted of providing false or misleading information in relation to accounts faces a fine of $2,400 while a company official convicted of the same offence is liable to a fine of $10,000, or two years in gaol, or both? How does he justify this special deal, in the light of Commissioner Cooke's specific recommendation that the Industrial Relations Act 1990 be amended in order to apply the same standards of accountability to unions as applies to companies?

Mr W. K. GOSS: I am confident that the Government's response to the recommendations in the Cooke report and, more importantly, to the matters that were revealed by the Cooke inquiry is appropriate and adequate. In relation to penalties—the penalties have been doubled.

Mr Hobbs interjected.

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

Mr W. K. GOSS: There are some significant differences between the positions of company directors and union officials. For example, I believe that it is generally accepted that one difference is that——

Mr Hobbs interjected.

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

Mr W. K. GOSS: For example, the level of remuneration is quite different. It is often partly apposite to the responsibility and liability that attach to the position. Of course, the other point that needs to be made is that union officials are subject to a range of other penalties—not just the penalties to which the member referred—in relation to misconduct generally. The Criminal Code contains those provisions and it also contains provisions in relation to offences in respect of electoral matters.

Cooke Inquiry

Mr BORBIDGE: I refer the Premier to a letter from the Professional Officers Association to the then Minister for Industrial Relations dated 25 July 1992 which, coincidentally, mirrors his Government's response to the Cooke inquiry. I specifically refer to union concerns that if they were placed under the CJC, all evidence would then be referred to that body for ongoing criminal investigations, in particular, the Lindeberg case which involved a serving Minister in the Premier's Cabinet. I ask: will the Premier now concede that by following the instructions of his union mates, he has circumvented these further investigations?

Mr W. K. GOSS: The short answer is, "No." In relation to the point that has been raised generally by the Leader of the Opposition—Mr Cooke's recommendation and the smears by the Leader of the Opposition and certain commentators are simply misconceived. They are simply quite flawed. It must be understood that because the Leader of the Opposition was prepared to hand over $6m of taxpayers' money for this report, it does not mean——

Mr Borbidge interjected.

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

Mr W. K. GOSS: If a recommendation comes forward—whether it be from a commission of inquiry or any other organisation—and it is just plain wrong, or if it has not been thought through properly or is not based on the experience of people who have expertise in the field, then just because we pay somebody $1m to produce it does not mean that it should be implemented if we genuinely believe that it is wrong and inappropriate. This Government and representatives of employers and unions believe that the recommendation is misconceived; that it is flawed and just plain wrong. In no other jurisdiction in the country does such a watchdog provision exist. In New South Wales, where there is a comparable watchdog commission, namely, ICAC, the Liberal and National Parties have not given it jurisdiction over unions. The main reason for that, and why Queensland has not done so, is that the Criminal Justice Commission——

Mr BORBIDGE: I rise to a point of order. I refer specifically to the letter in question, in which it is stated that the association wishes to——

Mr SPEAKER: Order! I am on my feet. Members cannot debate issues by taking points of order. That is a spurious point of order. I call the Premier.

Mr BORBIDGE: I rise to a point of order.

Mr SPEAKER: Order! I will hear the honourable member's point of order if it is not a spurious point of order.

Mr BORBIDGE: My point of order related to the Premier giving a direct response to my question. I was referring to the fact that in the correspondence concerned——

Mr SPEAKER: Order! I will not allow members to debate issues by taking points of order. The Leader of the Opposition has asked the question and the Premier is answering it.

Mr Borbidge: No, he is not.

Mr SPEAKER: Order! The House will settle down.

Mr BORBIDGE: The point that I was trying to make——

Mr SPEAKER: Order! Is the Leader of the Opposition taking a further point of order?

Mr BORBIDGE: Yes. My point of order was that, in the correspondence concerned, the union said that any issue relating to——

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. There is no point of order. I now warn him under Standing Order 124 for not accepting my ruling that there is no point of order. I call the Premier.

Mr W. K. GOSS: The point that I was about to make is that the Criminal Justice Commission is a public sector watchdog. That is appropriately its role. If we are to expand its activities, we will bring in the ABC, Queensland Newspapers, the National Party and everybody else. Queensland will end up being a State in which there is not one dollar left to pay a teacher or to encourage economic development. The whole Budget will be spent on building extensions onto every house in Queensland so that we can put a policeman and a barrister in every House in the State to keep an eye on everybody. It is rubbish; it is wrong; and it is flawed. I am not going to respond to that more assertive performance of the Leader of the Opposition. I notice that he is wearing his dark suit, but it is the same old act.

Mr Veivers interjected.

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

Mr W. K. GOSS: In relation to the letter to which the Leader of the Opposition referred—I am not aware of that letter. However, if it does reveal any impropriety, I suggest that he send it to the police.

Queensland Nickel

Mr PREST: In directing a question to the Treasurer, I refer to recent comments by the Leader of the Opposition in which he criticised the State Government's involvement in the negotiations surrounding the sale of 72 per cent of the Queensland Nickel joint venture formerly owned by the Bond family group of companies, and I ask: what is the true position?

Mr De LACY: Negotiations and arrangements surrounding the sale of that 72 per cent share in the nickel project are coming together very nicely from every point of view. In fact, it is a very good arrangement for the Queensland taxpayer, for the future of the project and for the future of the 800 or so people employed on that project. It never ceases to amaze me that, when something is so good and so positive for Queensland, the Leader of the Opposition tries to find a reason to be critical. In this case, it seems that he is critical of the way in which I treated the chairman of Inco. Have we not reached a sorry state of affairs in Queensland when the Leader of the Opposition is going in to bat to assist the chairman of one of the largest multinational companies in the world and putting in a plug for the chairman of Inco in his dealings with the high and mighty Treasurer of Queensland! The chairman of Inco is quite capable of looking after himself. He needs no help from the Leader of the Opposition.

This is an important issue in regard to which I would like to bring members of the House up to date. The Queensland Government saw the need to negotiate with both prospective buyers of that 72 per cent share. Those prospective buyers were Inco, the largest nickel miner and manufacturer in the world, and an Australian consortium that proposed to float its share. We had reached substantial agreement with both companies

on a range of issues, including the upgrading of the port, the upgrading of the rail link to a value of something like $90m, and the cessation of a range of legal actions that were being taken against the Queensland Government. It is fair to say that we reached agreement with QNI on a number of other issues, but we could not obtain the assurances that we sought from Inco. Those related to the $30m expansion, the protection of technology and, last but not least, a commitment to upgrade the value adding of the product. So we got the best deal with QNI, and I advised Inco of that. The meeting that I had with the chairman of Inco was amicable. This Government still regards Inco as a valued customer and future customer. I advise all members that the underwriting agreement was signed yesterday. The float is being fully underwritten by the private sector. Just today, the prospectus has been lodged for registration with the Australian Securities Commission. As far as the Government is concerned, it is all systems go. It is a great deal for Queensland and a great deal for the future of the project.

Liberal Party Education Policy

Mr PREST: In directing a question to the Minister for Education, I refer him to a recent report in the *Sydney Morning Herald* that the New South Wales Liberal Government has scrapped its basic skills test for primary school students. I ask: is it a fact that the test is similar to the test promised by the Queensland Liberals in their education policy? Can the Minister confirm that the New South Wales Liberal Government has dumped the test in favour of a performance standard approach similar to that recently announced by the Goss Government? How does the Goss Government's approach to literacy and numeracy differ from that of the Queensland Liberals?

Mr BRADDY: It is correct that the Queensland Liberals, shortly after they slavishly followed their colleagues in New South Wales, have been abandoned by them. On 29 July, the *Sydney Morning Herald* reported that the New South Wales State Government was planning to scrap the present basic skills test program. The article stated—

> "Now they are to be replaced by a new system of assessment and reporting aimed at providing parents with more information on their children's progress than just their literacy and numeracy skills."

The Liberal Party in Queensland, bereft of ideas, adopted a basic skills test that New South Wales had adopted under Metherell and said that it would introduce Statewide literacy and numeracy diagnostic testing in Queensland for Years 2, 5 and 8. The New South Wales Government, under new Premier Fahey, has announced that that is clearly inadequate. It went on to announce that the scheme that it will introduce is a scheme whereby students will be tested up to performance standards in all subjects. The *Sydney Morning Herald* reported the Director-General of Education in New South Wales as saying—

> "Nationally, we are developing profiles of what a child should know and understand at eight points in each of the eight Key Learning Areas."

That is precisely what this Government has brought in—performance standards right across-the-board, not merely in literacy and numeracy for three classes only. The Liberals, without checking to ascertain whether the New South Wales program was successful, have adopted and announced a program that has now been abandoned as being irrelevant and unsuccessful. That program is a key plank in the Queensland Liberals' education policy. By contrast, since coming to office, this Government has more than trebled funding for literacy and numeracy programs and is bringing in performance standards right across the primary and secondary sector.

Cooke Inquiry

Mrs SHELDON: In directing a question to the Attorney-General, I draw his attention to what one newspaper referred to today as the Premier's tirade against the Cooke inquiry and also a matter involving a person who is being prosecuted as a result of the Cooke inquiry. I ask: can the Attorney-General explain to the House why on 7 May he moved to expunge debate in this House about the Premier, the Police Commissioner and the member for Chatsworth, claiming that it would prejudice a trial, yet he allowed the Premier to call the Cooke inquiry a C-grade inquiry and a $6m "Cooke's" tour which found only "a little bit of corruption" when a person was before the courts on charges arising from the Cooke inquiry that very day? Does that not show that the Attorney-General simply acted out of political expediency on 7 May, whereas yesterday he failed to show any similar concern for a certain person whom he knows is before the courts as a result of the Cooke inquiry? In short, does it not show that he is simply manipulating the sub judice convention?

Mr SPEAKER: Order! I point out to honourable members that questions should be questions. All that is required in a question is matters that are relevant to ascertain an answer to the question. The member for Landsborough is debating the issue. I would like her to get to the question.

Mrs SHELDON: In short, does it not show that the Attorney-General is simply manipulating the sub judice convention in this House to suit the ALP's political interests?

Mr WELLS: The material that was tabled yesterday was material which had been examined by the Director of Prosecutions to determine whether there would be any prejudice to any trial or any investigation currently being undertaken. The material that was tabled had no bearing on any trial or any investigation which was being undertaken arising out of the Cooke inquiry or any other inquiry. However, the material that was expunged from the *Hansard* record was expunged to protect the rule of law. There is an opinion on the table of the House today which validates that.

Mrs SHELDON: I rise to a point of order. My question was not about the material that was tabled; it was about the Premier's comments.

Mr WELLS: I thank the honourable member for her second question. I refer her to the opinion of the Solicitor-General which was tabled today.

Mr Harper: It doesn't say anything.

Mr WELLS: Why does the honourable member not read it?

Mr Harper: I have read it.

Mr WELLS: It says that the matter is still sub judice and, therefore, the proposal which the Leader of the Opposition put before the House to further enliven the matter cannot proceed. The Leader of the Liberal Party asked a question about the Honourable the Premier's comments. His comments were about a commission of inquiry whose term has expired. Neither those comments nor the material which was tabled has any bearing on any matter before the courts or currently under investigation by any organ of law enforcement in this State.

Cooke Inquiry

Mrs SHELDON: My second question is also directed to the Attorney-General. I ask: has he sought a legal opinion from the Solicitor-General on the Premier's attack on the Cooke inquiry when the Premier and the Attorney knew that there was a person before the courts who was currently facing charges resulting from the Cooke inquiry? Would not the Premier's comments that the Cooke inquiry was a C-grade inquiry that found "a little bit of corruption" influence a jury's deliberation regarding a person who is charged as a result of the Cooke inquiry?

Mr WELLS: I thank the honourable member for her persistence. I do not seek legal opinions from the Solicitor-General, the Crown Solicitor or any other person whose time is valuable when the question on which it is suggested I should seek that opinion is one to which I already know the answer.

North Queensland Tourism

Mr PITT: I ask the Premier: is he aware of the impact on tourism of the QTTC's marketing campaign as it refers in particular to north Queensland?

Mr W. K. GOSS: Tourism is the third biggest and the fastest growing industry in this State. It is really going places under this Government and under the stewardship of Mr Gibbs. In the 1991-92 financial year, Sunlover sales were up 78.55 per cent on the previous year and traffic through Cairns Airport was up more than 50 per cent. Those figures were achieved without the benefit of a full year of the operation of Compass, which will fly again this week thanks to the progressive and positive attitude of this Government. A recent debate in relation to tourism in north Queensland underlines what an heroic bunch of Ministers this Government has.

Opposition members interjected.

Mr W. K. GOSS: Backbench members will have their turn. When a controversy erupted recently in relation to tourism in north Queensland, and when there was blame being thrown about, did my Ministers stand back and try to hide from that blame? Did they try to hide from responsibility? No. The Treasurer, Mr De Lacy, and the Tourism Minister, Mr Gibbs, fought each other to take the blame for the allegation that was thrown around. The allegation by the Leader of the Liberal Party, Mrs Sheldon, was a serious one. She said in Cairns that the Government was to blame because—

> ". . . the airlines flying in and out of the city were full, the city's hotels were booked out and local car hire companies had virtually run out of rental vehicles because of growing tourism demand."

Mr Gibbs and Mr De Lacy rushed into the breach. Mr De Lacy said, "It's my fault." Mr Gibbs said, "No, it's my fault." The *Cairns Post*, which knows the industry in the area pretty well, and now knows the member for Landsborough pretty well, said—

> "Liberal leader Joan Sheldon has given the State Government a pat on the back—instead of the intended knife—by trying to blame it for the 'full-house' signs now up in many parts of the city.
>
> According to the Liberal Party"—

this is the editorial—

> "the Government is to blame for Cairns being full because its policies are alleged to have led to a slow-down in the construction of new hotel and tourism developments in the area.
>
> What tortured logic!"

The editorial goes on to point to major projects already approved by the State Government such as Palm Cove, $400m; Earl Hill, $350m; and Rainbow Harbour, $500m. It says quite accurately——

Mr Stephan interjected.

Mr SPEAKER: Order! The member for Gympie will cease interjecting. I warn him under Standing Order 123A.

Mr W. K. GOSS: I will quote again—

> ". . . she runs the risk of damaging her credibility and being accused of offering no more worthwhile policy than simple knee-jerk opposition to anything the government of the day does.
>
> The people of Far North Queensland deserve better than that."

Indeed, they do. The Liberal Party has no policies. They are just knockers. In conclusion, I recognise that under our system of Government, the buck stops with me. It is my fault!

Compass Airlines

Mr PITT: In directing a question to the Treasurer, I refer to the State Government's investment in the new Compass Airlines, and I ask: will the Treasurer explain the merit of this decision to the House?

Mr De LACY: I thank the honourable member for Mulgrave for the question. It is in line with the question just answered by the Premier. We are lining up for more blame for having a successful tourist industry in this State. As the Premier has just said, Compass will be flying again before the end of this month. The decision to invest in it is the single best decision that this Government could make to promote the tourist industry. It is one of the most popular decisions that this Government has been able to make. The honourable member for Mulgrave would know how popular the decision is in his electorate and in far-north Queensland. I am amazed, once again, to see the knocking position adopted by the leaders of the opposition parties—it is a little bit different; they have to be different. In the early stages, the Leader of the National Party, Mr Borbidge, said, "It is a good idea." But when it was floated on the Stock Exchange and the shares went to something like 40c, he felt it was then time to come out and oppose it. He said that instead of making equity investments, we should have been giving tax concessions. Let me say at the outset that they did not ask for tax concessions.

Mr ELLIOTT: I move that he table it.

Mr SPEAKER: Order! I warn the member for Cunningham under Standing Order 124 for his spurious statement.

Mr De LACY: The honourable member is a distinguished former Minister for Tourism who, I might say, got nothing going in this State. Tax concessions would not have got Compass in the air. What Southern Cross requested——

Mr BORBIDGE: I rise to a point of order. The Premier has opened three manufacturing plants in Queensland to which I gave tax concessions.

Mr SPEAKER: Order! Again, I warn honourable members that points of order are not to be used as debating points. I ask the Leader of the Opposition to refrain, otherwise I will take action under Standing Order 124. I have already warned him under Standing Order 124.

Mr ELLIOTT: I rise to a point of order. With all due deference to you, Mr Speaker, and with respect, if the members on the other side are prepared to abide 100 per cent by the rules, then I think we would. I think, Mr Speaker, that you are being a little bit unreasonable.

Mr SPEAKER: Order! The member for Cunningham has implied that I am not reasonably administering the Standing Orders. That is a reflection on the Chair, and I ask him to withdraw.

Mr ELLIOTT: I did not say that. If your impression was that I did, Mr Speaker, I withdraw.

Mr SPEAKER: Order! The honourable member will resume his seat.

Mr De LACY: Thank you, Mr Speaker. The point I am making is that what Southern Cross sought was equity or an underwriting or a sub-underwriting from the Queensland Government, because in the environment in which this company sought to float this airline after the collapse of the original Compass, it needed Government support—the support of a Government that had a reputation Australiawide for fiscal responsibility. Honourable members need to understand that Compass would never have flown again if it had not been for the involvement of the Queensland Government. Everybody needs to understand that.

There is one other point that I would like to make in respect of the negative comments from the Leader of the Liberal Party—and, surprise, surprise, we received negative comments from her. First of all, she said that the Government should not be involved, and then she accused the Government of losing jobs for Queensland. What the Leader of the Liberal Party needs to understand is that there are no Compass jobs in Queensland.

Mrs SHELDON: I rise to a point of order. The Treasurer is deliberately misrepresenting what I said, and he is aware of that fact. I ask him to quote my exact words.

Mr SPEAKER: Order!

Mr BORBIDGE: I rise to a point of order under Standing Order 70. Mr Speaker, I draw your attention to Standing Order 70, which states—

> "The following general rules shall apply to Answers:
>
> (i) In answering a Question a Minister or Member shall not debate the subject to which it refers."

Mr SPEAKER: Order! I understand Standing Order 70. The Honourable the Treasurer is summing up his answer.

Mr De LACY: I would just say by way of summary that I would not have to answer these questions if every Queenslander got in there and supported Queensland, instead of constantly criticising, knocking and whingeing. The Leader of the Liberal Party is out of step with the rest of Queensland.

Troubleshooters Available

Mr LITTLEPROUD: I ask the Minister for Justice and Corrective Services: can he advise the House how Joseph William Ludwig, an official of the Queensland branch of the Australian Workers Union and son of ALP powerbroker Bill Ludwig, was able to register the business name "Troubleshooters Available" from 10 July 1992—one day after a compulsory conference was convened by this Government and the AWU on contracting in the shearing industry—when other persons had been attempting to have the same business name registered since June 1987? Why has the Minister allowed the integrity of the business names section of his department to be compromised through such abuse by none other than the son of the chief industrial opponent of the real Troubleshooters Available?

Mr MILLINER: It is true that the business name "Troubleshooters Available" was registered by Mr Ludwig. An application was made, the relevant check was made of the business names and the business name "Troubleshooters" was available to be registered. A number of other business names with the word "Troubleshooters" in them are registered. Three are registered in Queensland and two in New South Wales. We have a national register of business names. The business name was available, and it was registered.

Mr K. Lindeberg

Mr LITTLEPROUD: In directing my second question to the Premier, I refer to a letter from the Queensland Professional Officers Association addressed to the former Minister for Industrial Relations. It is the letter to which the Leader of the Opposition referred earlier today. It states, in part—

> "The Association"—

that is, the Queensland Professional Officers Association—

> "wishes to protest in the strongest terms with respect to the Commissioner's recommendation that any aspect of the employment of Kevin Lindeberg be referred to the Criminal Justice Commission."

I ask: why has the Premier complied with this request from the Professional Officers Association, especially as one of his own Ministers may be the subject of such an inquiry?

Mr W. K. GOSS: The Government has not complied with the union's request in any way. I was not aware of it, and I do not believe that other Ministers were aware of it.

It had no bearing on the Government's decision. The recommendation in the Cooke report in relation to the CJC is just inappropriate. It is interesting that the Opposition accuses the Government of complying with the requests of its mates. I shall read another request. Let us see whether it receives the same prominence in the *Courier-Mail* as other material in relation to our union mates has received. I shall inform the House what other people have said. I have a media release that has just been issued by Mr Bubb of the Queensland Confederation of Industry. I understand that he is a former Liberal member of Parliament. This is what the employers say about the Criminal Justice Commission. The General Manager of the Queensland Confederation of Industry, Mr Bubb, said—

> "Some of the proposals"——

Opposition members interjected.

Mr W. K. GOSS: Do members of the Opposition not wish to hear this? Are they touchy? Let us hear from their mates! They are saying that we are responding to a particular section of the community in terms of the decision made by the Government in respect of the recommendations concerning the CJC, yet they wish to ignore inconvenient comments that have been made by sections of the community on the other side of the fence from the unions. Opposition members may be touchy about it. They may be a bit threadbare when it comes to the policy department, the leadership department and the unity department, with an election just around the corner. But they are about to hear it, anyway. There are three key sections. Referring to the Cooke report, the General Manager of the Queensland Confederation of Industry said—

> "Some of the proposals, if implemented, could prove disruptive to employers and could impose a financial cost on QCI members."

I thought that members of the Opposition were the people who said that business has enough burdens imposed on it by Government. He went on to make another recommendation—

> ". . . the proposal to allow candidates for union office to enter business premises and canvass votes would not be supported by employers as it could cause considerable disruption to workplaces."

Will members opposite accuse the Government of caving in to the requests of employers—caving in to business? Mr Bubb, a former conservative member of Parliament, and a decent chap all round, goes on to say—

> "The Confederation believes it would serve no useful purpose nor would it achieve the desired result if all recommendations from the Inquiry were referred to the Criminal Justice Commission.
>
> In general terms, QCI believes that the CJC is not the appropriate body to regulate union activities."

I conclude on this note—

> "The Confederation believes it would serve no useful purpose nor would it achieve the desired result if all recommendations from the Inquiry were referred to the Criminal Justice Commission."

The Government agrees with the employers.

Yeronga Electorate, Railway Noise

Mr FOLEY: In directing a question to the Minister for Transport, I refer to the proposed standard gauge rail link to the port of Brisbane and to the concerns of residents in the Yeronga electorate about possible noise problems, and I ask: what action is being taken to address those concerns?

Mr HAMILL: I welcome that question from the member for Yeronga, because on a number of occasions he has been on record in this place expressing the concern of his constituents regarding the impact of noise from the railway that already exists in his electorate and the potential for additional noise that may flow from the expansion of the capacity of that railway with the important standard gauge rail link to the port. Recently, the consultants who carried out the impact assessment study brought forward their report, which is on public display and available for the community to comment on. In that report, the Government's claims about the noise impacts from that standard gauge rail link were verified. The report indicated that the increased noise from the additional traffic—the two train movements into the port from the standard gauge link—would be imperceptible to the human ear. The report suggested a range of measures that could be taken to ameliorate the existing noise impacts in that area. One key recommendation in the report was the trialling of noise barriers to reduce wheel noise. I acted very quickly upon that report in ordering that those trials take place.

The standard gauge link was also shown to be a major job generator in the State. The decision of the Government in pressing ahead with that project has been vindicated by the finding of the consultants and, indeed, by the third party assessment by the Economic Analysis Unit of the University of Queensland which shows that, between now and the year 2005, the link will generate some 3 100 jobs. That demonstrates the commitment of the Government to long-term infrastructure development, which generates jobs not only now but also into the future.

I want to contrast that with the lack of commitment that has been demonstrated by opposition parties. Indeed, depending on which day of the week one questions Liberal Party members, what time of day it is and who is questioned, the Liberal Party has a range of positions on the standard gauge rail link. For example, when Mr Beanland was the Leader of the Liberal Party, he urged the building of that link. More recently, he was quoted in the newspapers as saying that he did not believe that he made those statements. The Liberal Party Transport spokesperson said that the Liberal Party has no position on the matter. However, more recently, the Liberal Party has suddenly found a position. Liberal candidates in the area say that they oppose the project altogether. One can only conclude from the various press statements and comments from members of the Liberal Party that they have more positions on that matter than one would find in the Kamasutra.

Stable Swamp Creek

Mr FOLEY: In directing a question to the Minister for Environment and Heritage, I refer to the concerns of Rocklea residents about recent pollution in Stable Swamp Creek which was sufficiently serious to kill numbers of fish and to my requests to the Minister for that matter to be investigated, and I ask: will the Minister inform the House of what action has been taken regarding the pollution in Stable Swamp Creek?

Mr COMBEN: I thank the honourable member for his question. I am also very much aware of his interest in Stable Swamp Creek and its impact on the garden suburbs of Yeronga. It is, of course, the one blot in that area that might prevent it from becoming national park. Recently, officers of the Department of Environment and Heritage completed an investigation of a fish kill in Stable Swamp Creek, Rocklea, on 11 May 1992. That appeared to relate to an accidental discharge on 8 May of nitric and sulphuric acid into the creek. Water and fish samples were analysed by the Government Chemical Laboratory on 21 May 1992 and 1 June 1992 respectively. No abnormal levels of heavy metals were found to be present in those samples, but that did not allay the concern held by the honourable member and by my departmental officials.

Consequently, the Director of the Pollution Management Branch within the Division of Environment in my department was requested to include the monitoring of water quality in Stable Swamp and Oxley Creeks in his ongoing monitoring program. A report on that ongoing monitoring is expected by November this year, by which time it is expected that all pollutants will be identified, the sources of discharges known and the impact of each discharge on water quality and aquatic life known. I will then be in a

position to advise the House and the honourable member of future actions by the department to try to improve water quality in those creeks.

Education Department

Mr LINGARD: I direct a question to the Minister for Education. Recently, the Minister's department was required to submit a three-year review and evaluation plan to the Parliamentary Public Accounts Committee. In preparing that report, the Minister's executive director reported—

> "It is difficult to develop a plan because of the uncertainty of programs in the department."

He also stated that, because of problems of restructuring—

> ". . . there are unfilled positions at central and regional levels and many other organisational units face similar staffing difficulties and consequently are not yet operational."

I ask: why has the Minister allowed his department to be in such turmoil that it cannot provide a satisfactory three-year evaluation plan?

Mr BRADDY: In relation to the Education Department, which is, of course, the largest department in the Queensland Government, significant restructuring has occurred in order to focus on schools, something that was forgotten by our predecessors in office. They were so busy looking after their friends at head office that they forgot that Governments should be providing a system of education. While in office, we have reduced significantly—by some 600—the number of people at head office. That was done by regionalising positions, by focusing on schools and by implementing school support centres. That has brought education to the individual student in a way that never occurred before.

Mr Johnson interjected.

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

Mr BRADDY: In order to be fair in that process and in order to give people an opportunity, one has to come down the gradations of scale. The more senior positions are advertised and then one works one's way down through the upper levels, through middle management and so on. All of that takes considerable time. Its purpose is to give the students in the schools the best possible education. As I have said, it is the most significant restructuring ever undertaken for the purpose, and naturally it takes time. In those circumstances, additional time has to be allowed in cases in which significant restructuring has not occurred.

Student Education Profile; Tertiary Places

Mr LINGARD: I direct my second question to the Minister for Education. On Monday night on the *7.30 Report*, we heard Professor Wiltshire making statements about the student profile system different from those he makes in the Government promotion advertisement, which the Government has obviously paid him to do. Last year, when 27 000 Year 12 students applied for places, the Minister's Government was able to find tertiary places for only 9 300. I ask: does the Minister agree with Professor Wiltshire and also Professor Barrett that the student profile system would have made absolutely no difference to those figures last year?

Mr BRADDY: It is a pity that the Opposition spokesperson on Education is confused in relation to the relative methods of, firstly, selecting and, secondly, the number of places that are available. Those two things are and always have been separate. Professor Wiltshire was not paid by our Government to make that advertisement. He is the chairperson of TEPA. In that position, he participated in the advertisement in the first year of a new scheme. The Opposition is, of course, touchy. When that program was being made by an independent body from the *7.30 Report,* the

vast majority of the academics and the students interviewed all agreed that the new process was far better than the previous process that had been allowed to degenerate.

I turn now to deal with the figures of 9 000 and 27 000 that were cited by the honourable member. The fact that people apply for positions does not mean that they are qualified. The Opposition and the Liberal Party have continued to try to peddle the lie that there has been a significant gap—the difference between 9 000 and 27 000—in those who are eligible to be selected for university and those who in fact are eligible and selected. We have always said that more Queensland students should get into universities. That is why we have worked hard on the Commonwealth Government and obtained more tertiary places from it. In addition, this Government has funded more than 2 000 places. This Government has provided places. Over 75 per cent of the students with a TE score of more than 635 were in fact offered places. A couple of thousand of them declined. The vast majority of the people who were given a TE score of 635 or better were given or offered places in our universities. They are the facts, not some juggling of figures that the Opposition always indulges in.

Juvenile Justice Act

Mr DAVIES: I direct a question to the Minister for Family Services and Aboriginal and Islander Affairs. There seems to be confusion in some quarters about 17-year-olds and how they will be affected by the Juvenile Justice Act. I ask: can the Minister clarify the position?

Ms WARNER: I thank the honourable member for his question. In today's *Courier-Mail* there is a suggestion that section 6 of the Juvenile Justice Act "could result in 17 year olds who have committed serious offences including murder being transferred from adult prisons to youth detention centres". This is not true. It is the intention of this Government, as it was of the previous Government, to deal with 17-year-old children within the juvenile, rather than adult, justice system, as per the 1988 Kennedy report into prisons. This is consistent with the age of majority and avoids such children being exposed to the effects of adults in prisons, thereby increasing their chances of remaining in the system and becoming recidivists. This change will occur at an appropriate time in the future. However, there is no provision in this Act for any person to be transferred from a prison to a detention centre if that person was dealt with as an adult prior to the change.

However, there is provision under section 211 for the Childrens Court to order transfer in the other direction, that is, from detention centres to prisons. This option is only available to the court when a young person held in a detention centre has turned 18 or where a 17-year-old has been sentenced to a term of imprisonment. Some statements made by the member for South Coast, which are reported in the same article, reveal his lack of knowledge of the juvenile justice system. In the debate last night, the member for Nerang suggested that in New South Wales 17-year-olds were not defined as children——

Mr SPEAKER: Order! I suggest that the Minister does not refer to the debate that occurred last night. The legislation has been passed, but she should not refer to the debate on it in the same session.

Ms WARNER: In New South Wales, the upper age limit for the definition of a child is 18 years. Concern has also been raised about the effects of 17-year-olds being placed in detention with younger children. Firstly, I wish to emphasise——

Mr BORBIDGE: I rise to a point of order. The Minister is clearly referring to the debate before the House last night, despite your ruling.

Mr SPEAKER: Order! I thank the member for Surfers Paradise for his advice. The Minister will continue to answer the question.

Ms WARNER: Firstly, I wish to emphasise again that section 6 only serves to underline the responsible position that this Government is taking in relation to the inclusion of 17-year-olds——

Mr FITZGERALD: I rise to a point of order. The Minister is referring to section 6 of the legislation which was debated last night.

Mr SPEAKER: Order! She is the Minister for Family Services.

Mr FITZGERALD: Mr Speaker, Standing Orders clearly state that an honourable member may not refer in a debate in this Chamber to a matter that has been raised in the same session. If the Honourable the Minister was smart enough, she could get around it and refer to the matters raised. However, she is referring to section 6. That is clearly out of order.

Mr SPEAKER: Order! The answer is not out of order.

Ms WARNER: Firstly, I wish to emphasise again that section 6 only serves to underline the responsible position that this Government is taking in relation to the inclusion of 17-year-olds. The Government recognises the magnitude of the task in establishing the necessary infrastructure to implement this legislation as it applies to children using current definitions of age. The Government recognises that it would be irresponsible——

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I refer to your comments from the chair within the last two minutes or so, that the Minister could not refer to debates relating to legislation that had just been before the House.

Mr SPEAKER: Order! I have——

Mr BORBIDGE: Mr Speaker, you did say that.

Mr SPEAKER: Order! The Leader of the Opposition is debating my ruling. An honourable member cannot refer to debates, but the Minister who has responsibility for an Act of Parliament may refer to that Act of Parliament when answering a question. In future, I will not allow honourable members to debate my rulings. I ask the Minister to round up the answer.

Ms WARNER: I was simply wishing to clarify the point for the members opposite, who seem to be confused on the subject. Basically, I wish to emphasise that children within the juvenile justice system in this State will be dealt with, according to their age, in an appropriate manner.

Queensland Police Service; Liaison Officer Program

Mr DAVIES: I ask the Minister for Police and Emergency Services: can he advise the House of the status of the program being trialled by the northern region of the Queensland Police Service involving 13 Aboriginals and Torres Strait Islanders as liaison officers?

Mr WARBURTON: I appreciate the assistance that the honourable member for Townsville has given me over a long period in respect of this matter. I am sure that honourable members appreciate the problems in Townsville and the number of reasons why people leave their home communities to live in unsuitable situations, for example, in parks. Earlier this year, a number of important meetings were held between representatives of the Queensland Police Service, the Townsville Aboriginal and Islander communities, the Townsville City Council and the City Heart Traders Association. It was decided at that series of meetings that a definite need existed for the important link to be established between the relevant authorities and those who were identified as being at the centre of the problem. That link was established. A steering committee was formed, which comprised members of the Aboriginal and Islander community, the Queensland Police Service and advisers from the Townsville City Council. The latter organisation has been very helpful in respect of this project. It has provided some of the equipment that was needed. Discussions were held with DEVETIR—the department—and my colleague Mr Vaughan. As a result of those discussions, funds were arranged.

This was an important project. When these 13 people, identified as a coordinator and a dozen liaison officers, were trained and could perform the functions that they

were to undertake, a dramatic difference was witnessed. The project has been supported overwhelmingly by the general community in Townsville. It has alleviated some of the problems associated with the Mall and other areas in that city. I am advised that all members of the Townsville community are most supportive. This project is one of the prime examples of the way in which one aspect of community policing works. That is a concept that was recognised by Fitzgerald in his report. Of course, it has been vigorously pursued by this Government for a period of two years. When I suggest—as I have on a number of occasions and will continue to do so—that the total answer in respect of the attack on crime in this State is not solely by increasing police numbers, that is exactly what I mean. It means embracing completely the concepts that were clearly illustrated and set out by Fitzgerald.

Effect of Inflation on Business Sector

Mr SLACK: I ask the Treasurer: does he acknowledge that the minus 0.3 per cent June quarter inflation figure reflects a lack of demand and is an indication of the depths of the recession in the business sector? In view of this figure and the indication from the recent *Queensland Economic Review* that in the first nine months of 1991-92 revenue from permits and licences rose by 33 per cent—32.9 per cent, to be exact—over the same period in the previous year, does he agree that grounds now exist for the Government to freeze taxes and charges this financial year to assist the business community and Queenslanders generally?

Mr De LACY: The first part of the honourable member's question related to the effect of the inflation rate on the business community or whether the rate really reflects that the business community is not travelling well. I am always amazed at the way in which the Opposition can turn even a good figure into a bad figure. Low inflation has been sought in this country for a long period. A low inflation rate is one of the best things that can happen for business. Inevitably, it will lead to low interest rates. It will change the culture in Australia because people will invest in productive enterprises rather than speculative enterprises. In that sense, I welcome the low inflation figure.

The second part of the member's question referred to the State Government's role in increasing taxes and charges. For the past two and a half years, there has been a freeze on taxes and charges. This Government will not increase taxes and charges greater than the rate of inflation. It is a rule to which this Government has strictly adhered. I also note that, last week, the shadow Treasurer implied that because the Government forecast an inflation rate of 8 per cent—and heaven knows from where he obtained that figure because the Government did not forecast an inflation rate of 8 per cent in last year's Budget; it forecast an inflation rate of approximately 4 per cent—the Government was going to increase taxes and charges by 8 per cent. The Government's rule is that it increases taxes and charges in line with the published inflation rate applicable at the time.

Mr SLACK: I rise to a point of order. The Minister is misleading the House. For argument's sake, on *Government Gazette* figures, in the past two years registration fees for four-cylinder cars have increased by 23.4 per cent.

Mr De LACY: In their own interests, members of the Opposition should not stand up in this House and demonstrate their abysmal lack of understanding about the way in which State accounts work. I am talking about increases in taxes and charges. If there is more economic activity, the Government's revenue will increase. It will not reduce taxes and charges if there is growth in industry. The increase in revenue occurs for many reasons, but taxes and charges have not increased more than the inflation rate which applied at the time. That is the rule that the Government sticks to, and it will continue to stick to that rule. With the latest inflation rate of 1.2 per cent, any taxes and charges that have been increased will not be greater than the rate of inflation.

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

MATTER OF SPECIAL PUBLIC IMPORTANCE

National Party and Liberal Party Policies

Mr SPEAKER: Order! I advise the House that I have received two proposals for a Special Public Importance debate pursuant to the Sessional Order agreed to by the House on 16 July 1991. The proposal submitted by the Honourable the Treasurer is for a debate on the following matter—

> "The failure of the National and Liberal Parties to present any positive alternative policies for the future of Queensland."

I now call the member for Stafford to speak to the proposal.

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I refer to the Sessional Order and I seek a ruling from you. I know that it has been the practice to take these matters on a rotational basis. This particular Sessional Order is based on Standing Order 137, which indicates that, in applying Standing Order 137, the Speaker will take into account the matter that is most relevant in terms of debate.

An honourable member interjected.

Mr BORBIDGE: No, the Opposition is happy to have the debate, but I wish to place on record that the Opposition sought a debate, following question time, about the Government's failure to implement the Cooke inquiry recommendations.

Mr SPEAKER: Order! I am not sure whether the Leader of the Opposition was at the Standing Orders Committee meeting when it was discussed that for this session we would take those matters in rotation. I am not impressed that when it does not suit him, he decides that it should not be taken on a rotational basis.

Mr WELFORD (Stafford) (3.41 p.m.): Is it any wonder that the Leader of the Opposition squirms at the prospect of the Government's motion which will be debated today? As he will hear in the next 10 minutes, he has much to answer for. When it comes to presenting coherent policies to the people of Queensland, the Liberal and National Parties are in absolute disarray. Indeed, this mob are in stark contrast to the professionalism and discipline of members of the Government. The Liberal and National Parties are disunited, without leadership, and their policies are without substance. I will outline some of the inconsistencies that members of the Opposition have displayed over the past 12 months. They run around like chooks with their heads cut off. We are only months away from a State election. The Liberal and National Parties have had plenty of notice of that over the past two years, yet they still cannot get their act together. Their policies and the public statements made by various spokespeople in both parties are riddled with inconsistencies. I will refer to some of them. I will start with the Leader of the Opposition, who stated in an article about youth jobless in the *Sunday Sun* before it collapsed—

> "To this end, the State Opposition will wholeheartedly support the Government in any initiative designed to create jobs and stimulate investment."

Let us see how keen they are to create jobs and stimulate investment. One of the motions that was considered at the recent National Party conference was that the National Party give top priority to reducing jobs in the public service and its commitment to smaller Government. Members of the National Party want to throw away jobs in the public service. That is what they are concerned about, and that is what they debated at their conference.

Let us consider what other spokesmen for the National Party say. The member for Barambah is inconsistent with the National Party's policy that was debated at the conference because in the *South Burnett Times* he complained up hill and down dale about the Government's reduction of the Department of Primary Industries' services in rural Queensland. National Party policy is to reduce the public sector. That is what National Party members are complaining about. Mr FitzGerald squeals about jobs being lost in the Corrective Services Commission, but the National Party wants jobs abolished in order to reduce the public sector. It does not want jobs in the Corrective Services Commission or the DPI. It wants to reduce and eventually abolish the public sector.

What about capital works? When this Government initiated its Advanced Capital Works Program, the then Leader of the Opposition and member for Roma, Mr Cooper, took all the credit. He said that he had called for an Advanced Capital Works Program ages before this Government initiated its program, and he supported the capital works program. What does the Liberal Party say? On 1 October 1991 in this Parliament, Dr Watson said—

> "Capital works is a very important aspect of the Budget, and it was the strategy decided upon by this Government. It is not a strategy that members of the Liberal Party believe is right, and I have explained the reasons why."

The National Party supports capital works programs, and the Liberal Party opposes them. The National Party wants to create jobs, but it also wants to demolish the public sector jobs that already exist. It does not want jobs or capital works. It does not know what it wants. Let us consider the number of jobs that have been created by poker machines. Poker machines have created 3 000 new jobs in Queensland. Some members opposite are opposed to poker machines. What does Mrs Sheldon say about them?

Mr Johnson interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member for Gregory will withdraw that remark.

Mr JOHNSON: I withdraw the remark.

Mr WELFORD: The Liberal Party supported the introduction of poker machines. It wanted to use poker machine revenue to fund reductions in payroll tax. At least that is what Mrs Sheldon was reported as saying in the Mackay *Mercury* in April 1990. But Mrs Sheldon also said, "Hang on a minute. We cannot fund it from poker machine revenue, because it is dependent upon the Federal Government's Fightback package. We need money from the Federal Government to fund payroll tax." Then she said, "Hang on a minute. If we get elected in 1992, we cannot give you payroll tax deductions; we will only give you rebates of between 10 per cent and 30 per cent in July 1993." Mrs Sheldon cannot make up her mind. She does not know what she wants.

Mr Dunworth interjected.

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

Mr WELFORD: The members of the Liberal Party are a leaderless rabble. The Liberals and Nationals do not know where they are. Some of them support poker machines. The member for Southport probably supports them, but other members do not. Members of the Liberal Party do not know whether they support poker machines or not, because they cannot decide whether or not they want the revenue from them.

The Liberal Party supports the new Liquor Act reforms. What does the Liberal Party say in its *Securing Our Future* document? It says—

> "Queensland has a new Liquor Act which, in general, is supported by the Queensland Liberals. The laws reflect the responsible attitudes most Queenslanders have to the consumption of alcohol."

Whereas the Liberal Party supports the new reforms under the Liquor Act, what is the National Party's policy? According to the member for Southport, Mick Veivers, the "draconian, new laws over the payment of liquor licence fees will send many liquor outlets broke". The Liberals support the Liquor Act, but the Nationals oppose it. They do not know where they are—up one hill and down another. They are lost in an absolute maze of inconsistencies.

Where do the Liberal and National Parties stand on tobacco tax? Mrs Sheldon likes taxes. The Liberal Party is the anti-tax party. It would bring in smaller Government and no taxes. It would abolish land tax and payroll tax. But what about tobacco tax? Under the Liberals, the tobacco franchise fee would increase from 30 per cent to 50 per cent. Are there any higher bids? No! What does the National Party say? It is opposed to the tobacco tax. The Liberal Party wants a tobacco tax, and the National Party is opposed to a tobacco tax.

Mr JOHNSON: I rise to a point of order. This is an absolute joke. The member is taking advantage of this House. He is treating this place as a joke. He is making a mockery of this issue.

Mr DEPUTY SPEAKER: Order! There is no point of order. The member for Gregory will resume his seat.

Mr WELFORD: The member for Gregory is trying to waste my time.

Mr DEPUTY SPEAKER: Order!

Mr WELFORD: The member cannot face the facts. The fact is that the Liberal Party wants a tobacco tax. According to an article in the *Cairns Post* of 12 May, the Deputy Leader of the Opposition, Mr Littleproud, stated that the National Party is opposed to increasing tobacco taxes. I turn now to privatisation. The Liberal Party is in favour of privatisation. Its *Securing Our Future* document states that the Liberal Party wants privatisation. It wants to privatise electricity industries, the ports and anything else that it can get its hands on.

Mrs McCauley interjected.

Mr WELFORD: Mrs McCauley is in favour of privatisation. According to an article in the *Gladstone Observer* on 28 January this year, Mrs McCauley stated—

> "I believe those government services which can be privatised should be, and corporatisation should be given a wide berth."

But what does the 1992 National Party policy say? It says—

> "The National Party . . . stands . . . for undivided freedom."

Surprise, surprise! However, it states also—

> "The National Party of Australia—Queensland does not believe in privatisation of Government monopolies."

The Liberal Party wants to privatise, and the National Party does not. Mrs McCauley does, and Mr Borbidge does not. They have not got a clue where they are going. They are an absolute disaster and a mess. Where do those parties stand on Fightback? They are all over the shop. The Federal Nationals want it, but the State Nationals do not. The Federal Liberals do, but the State Liberals have not got a clue. They are all over the place. The National and Liberal Parties in Queensland are out of touch. They are leaderless, and they have no policies. They are like a rudderless ship. Is it any wonder that their disunity will expose them at this year's State election?

Time expired.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (3.52 p.m.): What a waste of the time of this Parliament! We have just seen the charge of the "light brigade" from the honourable member opposite. The National Party welcomes this debate, but that pitiful contribution is not worth responding to. Unlike Labor, the National Party built this State on jobs, investment and a reputation for getting things done. It was a Queensland in which, in the last 30 months in Government, we generated 196 800 new jobs for Queenslanders. It was a cashed-up Queensland with no debt and with money in the bank. It was the place in which to do business. We had the lowest taxes and charges. We led the technology race. We put Queensland on the world stage. We developed a plan for Cape York. We went out and got World Expo. We put it together and made it work. Where were honourable members opposite? They were outside whingeing and complaining. Our Queensland was built on a vision—a vision created by Government but built and paid for by private enterprise.

Our party is now developing a new vision for Queensland which will put the Government's policies and performance to shame. The vision is clear in the 10 policy documents that the National Party has released to date, which are 10 more than have come from the Labor Government. That vision is apparent in our State development strategy—a strategy which states clearly that we no longer wish to be compared with disgraced interstate economies. Labor members in this place say, "Aren't we doing a great job in Queensland? Our unemployment rate is 0.5 per cent better than Victoria's."

What a tremendous effort! I do not want to be compared with the economic cot cases of Victoria and South Australia, which are some of the worst performing Governments in the western world—Governments that the Premier and the Treasurer embraced with passion back in 1989.

We have released a strategy which states clearly the future direction of this State, and which clearly places the Queensland economy in direct competition with the economic powerhouses of South East Asia. But to compete, we must compare. To compare, we must as a State establish new benchmarks for our economy—not the Victorian benchmark, not the Cain, the Kirner, the Bannon, the Lawrence or the Burke benchmarks, but new benchmarks relative to the competitive world in which we live. We have made a commitment and we have a plan. Our Government, working with private enterprise, will seek to create some 360 000 new jobs in this State by the year 2001. Our target is to get the unemployment rate down to 6 per cent in that time frame. To achieve that, we will need a new approach to economic development. We need to restructure the bureaucracy, free up the decision-making process and develop an education-based approach to sustainable development. The role of our Queensland development authority is clearly and unashamedly to create jobs. But it will create jobs within a clearly defined and sensible framework—a framework which acknowledges the interests of investors, environmentalists and public institutions; a framework which builds those competing interests into the decision-making framework in a meaningful and an expeditious manner; an authority which will become a "committee killer" and will stop Queensland from being governed by 134 committees of review.

In terms of reasonable development, our party acknowledges that many areas of Queensland are dying through lack of resources and development. Our regional development policy, unlike Labor's, has already been released. We will establish direct links between the department of business and regional development, the coordinator general and the Queensland development authority. We will provide an initial $1m per year to resource Queensland's 34 regional development organisations on a dollar-for-dollar basis. We will establish special project teams to develop regional job creation projects. Under our Government, all the new jobs will not be in the Premier's office or in the Cabinet Office, where the number of public servants has increased from 5 to 101. A conservative Government will review the QIDC's role in regional development and establish an export train as a means of promoting export trade by developing potential markets.

As to the sugar industry—we support realistic sugar tariffs to the level of the uncorrupted world price and will provide for the sugar industry corporation to be controlled by the industry itself. We will establish a sugar industry appeals tribunal as well as a sugar industry liaison unit in the Primary Industries Department. Our party rejects outright the myth of the level playing field. It does not exist and it cannot exist while our chief competitors continue to shift the goal posts to suit their own domestic political agenda. We will take Queensland off the level playing field until such time as the full effects of micro-economic reform have taken effect—until the tape that has bound our industries up for years has been unwound. In respect of North Queensland—we recognise that the north is the gateway to South East Asia and the new world of trade and commerce with which we seek to compete.

Mr De Lacy: The National Party is dead in north Queensland.

Mr BORBIDGE: We will re-establish what the honourable member's Government has thrown away. We will re-establish the role of the north Queensland enterprise zone and establish an office of the Premier based in the north. As part of that plan, we will upgrade the rail link between Townsville and Cairns to the tune of $10m over a three-year period. Our QDA will also see the establishment of a chair of coastal management at the James Cook University.

Our party rejects Labor's forced local government amalgamations. Our 20-point plan for local government provides for amalgamation only with the express wish of ratepayers in the relevant authorities. We will review all Government Acts which impact on local government with a view to reducing overlegislation. Our party recognises that

the driving force behind the growth of our State comes from the land itself. We will rebuild and reinvigorate rural and regional Queensland. We will restore the courthouses and the railway services. The police will go back and the teachers, the nurses and the hospital boards will all go back. We will put the development corporation back into the QIDC, and we will put the Government back into the bush. We will create a special department of rural affairs which will stand behind the Premier and stand up to Treasury, because we will not cop a situation in which a bureaucrat working for Treasurer De Lacy is telling the man on the land whether his property is drought declared or not.

In terms of land management—the National Party will institute a simple net rate system of calculating land rental based on the carrying capacity of the land; the ability of the land to produce; the beef/cattle market index and the AWC wool market indicator. We will make available maximum financial assistance and research grants to assist in the implementation of soil conservation measures. We will review the Seniors Card, and we have fully costed our proposal. As a result, we will extend the eligibility requirements so that each and every person over the age of 65 will receive the entitlements contained within that initiative. The electricity rebate will be increased to $15 per month. Senior Card holders will be entitled to receive a 50 per cent reduction in the motor vehicle fee component of their registration fees. All card holders will receive a 50 per cent reduction in their boat registration fees, as well as a 50 per cent concession on local bus services.

We will do what this Government will not do and cannot do—over a three year period we will phase out land tax. We will reintroduce voluntary employment agreements so that small businesses will have a one-page VEA. This is just the start. We have not seen one policy from the Government. Members of the Government will not stand in this Parliament and tell the people of Queensland what their policies are. They have not released one policy for the election because they only have one policy. That one policy is the Keating policy, the Cain policy, the Bannon policy, the Burke policy and the Lawrence policy. We all know what that policy will do for the people of Queensland. It is a sign of political gutlessness when a Government brings on a debate to attack the so-called lack of policies of the Opposition when it does not have any itself, bar one discredited fiasco.

Time expired.

Mr SCHWARTEN (Rockhampton North) (4.02 p.m.): I cannot let the opportunity pass of replying to the allusions by the previous speaker about the cashed-up economy when the Nationals were in power. Honourable members know that whilst the National Party was in power, it was not threatened by recession and the Australian economy was cashed-up. I would like to know why that money was not transmitted into education in this State. We had the lowest paid teachers in Australia; the lowest funded education system; the least number of police per capita; and the most underfunded health system in Australia. What happened to the money? It certainly was not put into services in Queensland. The recently reinvented interest by the Opposition in the issue of public services in this State and in doing something for the people of Queensland ought to be likened to a leopard developing stripes. This new-found zeal of the Opposition is nothing short of a fraud.

One of the interesting issues that the National Party likes to put its head up about is the issue of law and order. Try as I might, I cannot find its policy on law and order in this State. No documentation exists for it. Members of the National Party did say, however, that 900 extra police would be put on, yet I have just heard Mr Borbidge say in this place that the National Party is going to get rid of land tax. That will get rid of $250m. It is going to get rid of payroll tax—another $800m—and yet it is going to put on 900 police officers. Just for the record, it will cost $50,000 for each policeman that it puts on, not including the other capital costs such as cars—making a total of $45m. The National Party will decrease the amount that is coming in but increase the amount going out. Any accountant will say that that is the quickest way to go broke.

As the National Party is as bereft of policy on law and order as a snake is of hips, let us look at an independent arbiter to find out about these matters. I am biased about these matters, so I found an independent arbiter—the Fitzgerald report. To its credit,

the National Party spent $32m getting an independent assessment on law and order in this State. Guess what it came up with? We all know what it came up with—the Police Service was stymied by politicisation. Mr Fitzgerald said that it was a classic example of pork-barrelling. Longreach, for example, had a lower crime rate than Rockhampton, yet it had a greater per capita police presence than Rockhampton did. Why? Because Longreach was in a National Party seat and Rockhampton was in a Labor Party seat. The list goes on. Mr Fitzgerald likened the technology-deprived Police Service in Queensland to the force in the horse and buggy days. It had the lowest paid police in Australia and no career paths. Mr Fitzgerald highlighted all of those issues.

An Opposition member interjected.

Mr SCHWARTEN: They are not my words; they are the words of Mr Fitzgerald. The National Party paid for the assessment, but it got an answer that it did not want. Mr Fitzgerald was also very scathing in his attack upon the whole management of the Police Service. He basically said that not only was it underfunded but also that it was politically tinkered with to the extent that the last thing that police could do was get on with the job of policing in Queensland.

This Government followed the recommendations as set down by Fitzgerald. In 1988-89, when the National Party handed us that crock full of muck which was the Queensland Police Service, there was one police officer per 532 people in Queensland. The situation now is that there is one police officer per 478 people. That is due to the fact that this Government has made an increased commitment to police in this State. In this State, there are now 1 200 extra police out treading the pavement and fighting crime. There is an end to political manipulation of the Police Service. No longer do politicians get police transferred in this State. Moreover, we put our money where our mouth is. Although the Government has had the dreadful situation of a recession to deal with in this State, it has been able to increase the Budget by 13.5 per cent in the first instance, and in the second instance by 11.9 per cent. It has provided record budgets for law and order in this State, something that members of the Opposition did not do when they had the money to spend. When the Opposition had the money to spend on it, it would not do it.

Of course, the latest information shows that the Queensland Police Service has changed from what it was when the Government first came into office; that police were not proud to be police; and that the public did not have any confidence in them. The police whom I know are very proud to wear the uniform of the Queensland Police Service. Not only that, the public has a lot of respect and time for the police in this State. Again, I say that the National Party does not have a policy on law and order in this State, apart from making some dubious claim about 900 police officers, but it cannot tell us where the money is going to come from. The National Party's record speaks for itself. We ought to analyse its record until it comes up with something that is properly costed. If the National Party was allowed to take charge of the Police Service, it would be like allowing a fox to look after a duck farm.

Let us now turn to the Liberal Party in this State. Unlike the National Party, the Liberal Party has actually committed something to writing. I do not know who actually prepared the document for that party. I think that the persons who prepared it have been in a windowless room for three years with nothing but the Labor Party policy to work on; they have not listened to a radio; they have not watched television; and they have not been out in the real world. Their policy says that they will put on 1 200 extra police. Does 1 200 ring a bell? That was the number that this Government promised; remember? The Liberal Party said 1 200, but Mrs Sheldon said last weekend that it would be 1 000. So last week it was 1 000; next weekend it will be 800; and then it will be 600. By the time the election comes, it will be five-eighths of nine-tenths of nothing. The fact is that Mrs Sheldon has done her sums and has realised that to fund that she is going to have to come up with $60m. Again, just like the National Party, payroll tax is going to go; land tax is going to go; so over a billion dollars is going to be blown out of the Budget. The National Party will make some money out of the tobacco tax, but I do not think the tobacco tax will cover the extra police, let alone run an additional $400m-

odd Budget for the Queensland Police Service. Of course, if their Federal Liberal mates get in, we will get $500m less in Queensland as well! I suspect that the promised increase in police numbers will not occur.

There are some other amazing things that the Liberal Party policy promises, most of which have already been implemented by this Government. One real gem is the joy-riders. If someone pinches a car, the Liberal Party is proposing to stop that person from holding a driver's licence or owning a car for 18 months. How do members of the Liberal Party think these people are going to get around? They will have to go and pinch another car to do that. What absolute rot! Then the Liberal Party is going to strengthen the rehabilitation program. Here is a beauty! The Liberal Party is going to eliminate drug abuse in prisons. My godfather! It is going to eliminate that! There will be corn in Egypt yet! And so the list goes on. It is a pakapoo ticket. The Liberal Party is going to appropriately fund the Criminal Justice Commission and continue to cooperate with Commonwealth and interstate crime intelligence. What do members of the Liberal Party think the Government has been doing? Goodness me, even the member for Merthyr knows that the Government funds the CJC appropriately and ensures that law enforcement remains abreast of the latest developments in crime. I believe in motherhood also. "I re-emphasise the role of police citizen youth club amendments." How is that for a warm, fuzzy statement! The Liberal Party is a tired, old party dragging upon the coat-tails of a very successful Government that has already implemented 90 per cent of the things that are in its policy. Ninety per cent of the things that are in its policy are already being done and they are being carried out by this Government. It is a shocking indictment on the Liberal Party. That is the best it can come up with. But, of course, it is a vote of confidence that this Government is on track in terms of law and order.

Time expired.

Mrs SHELDON (Landsborough—Leader of the Liberal Party) (4.12 p.m.): The member for Rockhampton North just asked what the Liberal Party thought the Labor Party had been doing for the last three years. Of course, I can inform him: nothing, absolutely nothing! The people of Queensland know that is the correct answer.

Liberal Party members interjected.

Mrs SHELDON: The Treasurer, Mr De Lacy, really had to scrape the bottom of the barrel in this economic debate—a topic suggested by himself—when we have someone who is such an economic and political cripple as the member for Stafford standing here and elucidating on Labor's lack of economic policies.

Mr DEPUTY SPEAKER: Order! The honourable members for Merthyr and Sherwood are doing their leader absolutely no good by their consistent and persistent interjections and cross-firing across the Chamber. I am warning both members now.

Mrs SHELDON: It is just as well the House did have the poverty of input from the member for Stafford because he surely will not be here next year. If I had more notice of this debate, I would have invited 625 Queenslanders into the Chamber to listen to the outcome. Just listen! The gaggle of the Labor backbench rises.

Mr T. B. Sullivan: They would not have come.

Mrs SHELDON: These people would have the time, if not the spare cash for the fare, to make the journey here for the occasion.

Mr T. B. Sullivan: Not if they had to listen to you.

Mrs SHELDON: The member for Nundah very obviously does not care for these 625 people. They certainly have a vital stake in the outcome of this debate, because on the latest ABS statistics those 625 people are Queenslanders who lost their jobs today—5 August 1992—due to this Labor Government's policy failure, which is very obvious. Those 625 victims of Labor policy in Queensland make up a single day's tally of the unemployment growth in Queensland. They are a small part of the total of 165 800 unemployed Queenslanders as at the end of June, an increase of 12 500 on the

previous month's tragic tally of the unemployed. It is an appalling record and one about which the member for Mount Coot-tha is rightly embarrassed.

Mr Santoro interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I warn the member for Merthyr under Standing Order 123A.

Mrs SHELDON: That June increase of 12 500 breaks down to 625 more unemployed for every working day of the month. Clearly, even today's tally of victims of Labor's recession would not fit into this Chamber.

Mr De Lacy: I'm pleased you're not doing the sums in this place.

Mrs SHELDON: The Treasurer is obviously not concerned about the plight of 625 unemployed Queenslanders. The Liberal Party knows that the Treasurer is not, but now we have it on record that he is not. Mr De Lacy seems to be proud that another 625 Queenslanders are out of work today. How absolutely incredible. It is due to the Treasurer's poverty of any form of economic policy that those people are unemployed. The total number of unemployed—165 800—would swamp the central city area of Brisbane. That is the real size of the unemployment tragedy in Queensland. After three years of Labor Government, the unemployment scrap heap is equivalent to the entire population of Toowoomba and Townsville and their surrounding areas. It is a pity that all those people could not come to Brisbane and crowd into the streets and parks of the 10 city blocks around the Parliament. Then, perhaps, the Premier could look out the window of his $10m office suite in the Executive Building and see the size of the human tragedy, not just the statistics.

Mr T. B. Sullivan: Give us a policy.

Mrs SHELDON: The member for Nundah would not know a policy if he fell over it. He sits there with his two confederates—the member for Stafford and the member for Rockhampton North, who has now left the Chamber. What a loss! The Premier could see what it really means to make Queensland into just another Labor State. He could see it in terms of workers without jobs and of Queensland strained beyond endurance. Stalled economies and record unemployment are the real story of Labor Governments. It happened in Tasmania, in Victoria, in South Australia, and in the west. Not very long ago, those four States had healthy economies. They went Labor and they went broke. The 165 800 unemployed in our own State are living proof that Queensland is now just another Labor State. Since it took power fewer than three years ago, the Labor Government has added another 100 000 or so to the jobless tally, and the only difference between Queensland and Victoria is time. The Premier is putting the mark of Cain on Queensland faster than his ideological idol bankrupted Victoria, which means that time is running out for Queensland.

The only difference between Queensland and Victoria is six more years of Labor power, Labor policy and Labor Government. The danger to Queensland is that the Premier, who learned his Labor economics at the feet of Premiers Cain and Bannon, will accelerate the Laborisation of Queensland. Last night on the television, in Labor's election advertisements, the Premier boasted that, under his Government, Queensland's economy will soon overtake that of Victoria. On behalf of all Queenslanders—the employed and the 165 800 unemployed—I say to the Premier: do not do it. We do not want to go that low in Labor's economic gutter. Queensland has had a taste of being just another Labor State. The unemployment rate and the crime rate are too high a price to pay for Labor's experiment in social engineering and voodoo economics.

Contrary to the nonsense from the Government's $50m public relations machine, the Liberals have definite plans to reverse the Labor trend. We will lift the foot of Government off the neck of business, particularly small business, and allow Queenslanders to get back to work. Unlike Labor, which uses the public purse to fund its propaganda machine to the tune of $50m a year, hundreds of Queenslanders and dozens of Liberal policy committees formulated those plans with a lot of time, expertise and hard work. The Liberal Party even paid for the printing of those three Queensland First documents, not one Mr V. R. Ward, the Government Printer, who is forced to print

Labor's pirated policies at the cost of Queensland taxpayers. Those three documents are part of the Queensland First policy series developed and being developed by the Liberals. The title describes what the Liberal Party intends for Queensland and Queenslanders. The first, launched by me on 26 April this year, is subtitled "Securing Our Future" and deals with the right of the community to unshackle itself from Labor's excessive taxation and regulation regime. The result is jobs for both the young and the not-so young. The second document in the trilogy is called "Queensland First—Securing Your Family's Future". It reinforces the role and rights of the family unit in our society, highlighting the Liberal Party's policy for people. It was launched at the State Liberal convention on 6 June. The third, and not the last, is titled "Queensland First—Industry Policy and Regional Development".

Mr Davies: I rise to a point of order. The Leader of the Liberal Party is referring to Liberal policies. I ask that they be tabled.

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

Mrs SHELDON: I launched the third policy document on 2 July at a luncheon meeting of the Committee for the Economic Development of Australia. As the name suggests, the policy document concentrates on encouraging more industry and more jobs in more parts of this great State. The trade-off for more jobs and more diversified industry is less Government intrusion and taxation, which the CEDA audience seemed to think was a pretty good deal. In all, those three documents contain 223 pages of Liberal plans to put Queensland first. Time will not allow me to detail all the initiatives, but I will try.

I know that the Premier and some of his Ministers have been doing a bit of reading of Queensland First, and a bit of pirating, too. However, in this case, it is a piracy that I applaud. I see that the Government has adopted some of the Liberal Party's truth-in-sentencing policy on law and order, including the provision for term of natural life sentences for intractable and murderous criminals. Earlier, the relevant Minister adopted slabs of the Liberal policy on child care. I can assure Government Ministers that I encourage such use of Liberal policy for the good of Queensland. It is much better that the Government take up Liberal policies than borrow more from its mates in Victoria and South Australia. In the weekend media, I noticed that the Premier may even agree with Liberal policy to progressively cut back on payroll tax to give small business incentive to employ more people. Mr Schwarten should be here. The Premier was, no doubt, anticipating the total abolition of payroll tax by the Liberal/National Party Government in Canberra. I am only too happy to give him further advice on how to cut that evil tax on jobs.

I will now run through the major policy headings in the 223 pages of the Liberal Queensland First policy documents. They set out policy initiatives in a number of key economic areas, which will halve the State unemployment rate by the end of the decade through an integrated set of economic policies, tax cuts and removal of Government burdens on business; create 3 000 jobs in the short term through a youth employment assistance scheme run by small business and funded by increased levies on tobacco; create an estimated 30 000 jobs by getting rid of Labor's payroll tax; abolish land tax; free up investment dollars and employment opportunities; and address the rising crime rate of Labor's unemployment regime through initiatives, such as cracking down on drug dealers, increasing the number of police on the beat, ensuring that enough police liaison officers are available for Neighbourhood Watch and community policing projects and tightening the operation of our prisons so that convicted criminals are not free to plunder our houses and shops.

The Liberal Party will introduce truth in sentencing whereby the minimum sentences handed down by judges will be served in full by the convicted criminals. Those people need to know that we mean business. If criminals are sentenced to prison, they will serve that sentence. The Liberal Party will establish an independent pollution control authority, free of the influence of politicians and vested interests, and establish a more efficient and streamlined approvals process for development projects by creating a specific unit within the Department of Local Government to expedite the approvals

process. The Liberal Party will introduce a one-stop shop for business approvals and review all current laws, regulations, licensing requirements and charges on or applied to Queensland businesses. That will make it easier and quicker for new jobs to come on stream. The Liberal Party will examine waste disposal problems throughout the State, particularly in rapidly developing areas.

Time expired.

Hon. K. E. De LACY (Cairns—Treasurer) (4.22 p.m.): The topic for today's debate was the lack of policies by the Liberal and National Parties. I think on their performance so far we could virtually rest our case. I heard an interjection to the Leader of the Liberal Party requesting her to table her policies. All I can say is that she has kept them a secret so far, so there is no way that she is going to table them now.

Mrs SHELDON: I rise to a point of order. If the Treasurer would like a copy of these documents, I will give them to him now. Would the Treasurer like a copy?

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! There is no point of order. The honourable member will resume her seat. This is a personal matter between the honourable member and the Treasurer.

Mr De LACY: I think it is obvious, not only to us in the Government but also to the people of Queensland, that the opposition parties have no consistent policies. Their only policy and point of agreement is to criticise the Government. They criticise everything the Government does. At every possible opportunity, they knock Queensland and they knock the Government's initiative. They are seen as being divisive, negative, critical and, dare I say it, un-Queensland and anti-Queensland. I think their approval rating——

Mr STEPHAN: I rise to a point of order. The Treasurer has spoken about the policies of the Liberal Party and the National Party being tabled. I would ask the Treasurer to table the Labor Party's policy.

Mr DEPUTY SPEAKER: Order! There is no point of order. The honourable member will resume his seat.

Mr De LACY: What strikes me about the National Party is its total lack of ability to engage in meaningful debate. When we try to get a debate going in this House, members opposite scream and yell in a way similar to the petulant display by the member for Gregory this afternoon. He sat opposite and shouted continually. That is a measure of the Opposition's capacity for meaningful debate. That is why it is perceived as being a party without policy, without unity and without hope. It is a tragedy for Queensland that this State has an Opposition that is unable to engage in meaningful debate and unable to put forward alternative policies at all.

The Leader of the Opposition spoke about his grand new strategy for Queensland, which was released on the Gold Coast. If that is a policy, it would be called a bold step back into the past. Somebody said of the National Party, "Last year, it stood on the edge of a precipice; this year it took a bold step forward." I am sure that that is what has happened. The National Party's State development strategy was notable for three things. As I mentioned in this House yesterday, the National Party's solution to all of our economic woes and unemployment is to create a new quango—the Queensland development authority. It would be just like the VEDC in Victoria. Talk about adopting Victorian policies! One thing that will not be seen is this Labor Government in Queensland giving responsibility for the development of this State to a quango.

As I have said previously, the Leader of the Opposition also goes around talking about enterprise zones. When the Leader of the Opposition was speaking in this debate, the member for Cunningham interjected and said that there had been an enterprise zone in my area in north Queensland but the Government had abolished it. Do honourable members know why it was abolished? Because it was a farce. If members opposite think they are going to get votes in north Queensland by promising an enterprise zone—goodness gracious me! The National Party is history in north Queensland. I do not know why it bothers about north Queensland. Members opposite talk about unemployment in north Queensland, but let me say that it cannot be too bad,

because for 12 months the National Party has displayed a "position vacant" sign for a candidate for the seat of Cairns and has not yet received an application. Unemployment cannot be too bad. The National Party was once a proud party in north Queensland, but now it is left with absolutely nothing.

I return now to this so-called Queensland State development strategy. The second thing that the National Party did was to set a target for jobs. Mr Borbidge mentioned that again today. He said that, by the end of the century, a National Party Government would provide 360 000 jobs. I think this document states that it will be 80 000 jobs in two years. I would like to let honourable members know that the labour force in Queensland is growing at 50 000 a year. If 40 000 new jobs are created, this State will be getting further behind the eight ball. In the worst recession since the 1930s, this year the Government has created more than 40 000 jobs. If that is what the National Party's target is, goodness gracious me! The labour force has grown by 50 000. Yet the Nationals' target is 40 000 a year during the boom times.

The other important thing about this is yet another independent endorsement of the performance of the Goss Government. This document contains a chart which shows that the Queensland economy is growing at twice the rate of the Australian economy. Mr Borbidge talks about benchmarks. This Government is prepared to be measured by any benchmarks at all. I had a look at Queensland's performance in relation to the OECD average. In the two key areas of economic growth and jobs growth, Queensland is in front of the OECD average. This Government is prepared to be measured by any benchmark at all.

I refer now to land tax. Both the National Party and the Liberal Party agree on the abolition of land tax. They are in opposition, so they say, "Let's abolish all the taxes." When they are asked how they will fund the abolition of land tax, they have different answers. The National Party will privatise Suncorp. If Suncorp is privatised one year in order to fund the abolition of land tax, what will happen the year after? Will the National Party privatise something else or will it reintroduce land tax? When the Leader of the Liberal Party was pushed for an answer on this, she said, "We will cut the public service by $200m." She has this convoluted logic that jobs will be created by abolishing 6 000 jobs in the public service.

Mrs SHELDON: I rise to a point of order. What I said was that we would abolish Labor's Victorian fat cats who are now in Queensland.

Mr DEPUTY SPEAKER: Order! There is no point of order. The honourable member will resume her seat.

Mr De LACY: I will continue and talk about the Liberals' policy. They have no central policy at all but they have candidates racing around this State making all sorts of promises. Graham Young, the Liberal candidate for Greenslopes, intends to erect noise barriers along the entire length of the south-east freeway. That exercise will cost $17m. The same person proposes the construction of an alternative rail link to the port of Brisbane along the Gateway Arterial and then westward. That exercise will cost $250m. The Leader of the Liberal Party, Mrs Sheldon, will abolish tolls on the Sunshine Motorway. That will cost $25m this year, next year and every year after that. Probably the best example of the convoluted thinking of the Liberal Party these days is that vintage statement in which Mrs Sheldon claimed that the taxpayers should not pay for the motorway, that the Government should pay for it. Another great promise of the Liberal Party is that sewerage will be pumped inland from south-east Queensland. The National Party has no policies. All its policies relate to the Gold Coast. It intends to abolish land tax on the Gold Coast. However, it has no policies for the bush, because the Leader of the Opposition never travels to the bush. The Leader of the Liberal Party has a policy for the bush. She will pump all the sewerage out there.

Mr JOHNSON: I rise to a point of order. That is a total untruth. I ask the Treasurer to withdraw that comment. Since the Leader of the Opposition has held that position in this State, he has visited the inland parts of Queensland on no less than three occasions. I have not seen the Premier out there on that many occasions.

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

Mr De LACY: I acknowledge that the Leader of the Opposition has been west of the Great Divide on three occasions. I am prepared to have that appear in *Hansard*.

Mr JOHNSON: I rise to a point of order. The Treasurer referred to "west of the Great Divide". I stated that, since the Leader of the Opposition has held that position, he has been——

Mr DEPUTY SPEAKER: Order! I warn the member for Gregory. He will resume his seat.

Mr De LACY: Let me talk about Pat Moore, who is the Liberal candidate for Ipswich West. While speaking about the Liberal Party's policies, he stated—

> "I am sure that anyone who knows me could not expect that I would not remind all Liberals of what I believe to be our most glaring deficiencies: no money and incomplete policies. I worry a little about our parliamentary leader's think tank, which includes advisers so light in the tummy that they wish to remain anonymous to avoid any front-on hits from mother Goss. They would be sand boys in my team."

Those comments were made by the Liberal candidate for Ipswich West.

I conclude by referring to the policies of the Liberal candidate for Kurwongbah, who stated—

> "We have moved into the role that Labor held several years ago."

Time expired.

Mr STONEMAN (Burdekin) (4.32 p.m.): I recognise that I have nothing to beat as a result of the contributions to the debate by members of the Government, but I would like to round the debate out a little bit.

It is obvious from the debate today that Labor is Labor is Labor. In their examination of the multiple policies being developed and exposed by the National and Liberal Parties, people must attempt to differentiate between the Labor Party in Queensland and other Labor administrations in Australia. As I say, Labor is Labor is Labor. Why is the Goss period in office any different from the shonky Wran and Unsworth days? The only difference is that this Government has been in power for only a little more than two years—and that is the only length of time that it will be in power. Why is Goss any different from Cain and Kirner? What about John Bannon? What about Burke, Dowding and Lawrence? What about the disgraced Hawke/Keating Government? Now we have the Keating/Dawkins Government. All of those disgraced Labor Governments have one thing in common: they have left behind them a minefield of devastated States and administrations.

Western Australia has had the WA Inc experiment. It is a State that is absolutely bereft of any confidence. South Australia has experienced the collapse of the State Bank. Last weekend, I happened to visit South Australia. It was interesting to note in an article on the front page of Saturday's *Adelaide Advertiser* that a senior adviser/academic is suggesting that every South Australian should put in $2 every week to help pay for the redemption of the South Australian State Bank. What an indictment on any administration! Here we have those sorts of suggestions to a former President of the Labor Party, John Bannon, the Premier of South Australia, appearing on the front page of that newspaper. What an unbelievable situation!

I turn now to Victoria. It is interesting that the Treasurer has been attempting to liken the widely acclaimed proposal by the National Party to set up a development authority to the VEDC. The Treasurer does not have a clue. He does not know the difference between chalk and cheese. He is attempting to mislead by subterfuge. The kindest way to describe him is as the ultimate charlatan. The Cain and Kirner model is the VEDC and Tricontinental. Those are the administrations to which the current Premier of Queensland referred when he claimed, on record, "We are going to do for Queensland what John Cain did for Victoria." It is widely acknowledged that in New South Wales corruption ran riot and the services to the people of that State were run

down so dramatically that it will take the coalition years to restore them. Nevertheless, in a very short time frame, the coalition is restoring those services.

In the 83-year period from 1900 to 1983, many events occurred on a worldwide scale, including two world wars, the Korean war, the Vietnam war and the Great Depression of the 1930s. That period also saw some "good" Labor administrations such as those led by Curtin and Chifley. In that period, the total debt of the nation increased from zero to approximately $20 billion. However, in nine years, under Hawke/Keating and now Keating/Dawkins, this country's debt has increased from $23 billion to $148 billion. They are the type of comparisons that must be made.

Mr T. B. Sullivan interjected.

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

Mr STONEMAN: The Treasurer has referred publicly to the comparison of the VEDC with the proposed Queensland development authority, which is part of the widely acclaimed State development strategy. For the Treasurer's edification, I point out that the Victorian Development Corporation was set up under the Hamer Liberal Government to promote high-tech and export industries with grants and low interest loans. In 1984, John Cain and his cronies expanded the corporation's operations. It ultimately fell into disrepute and took Victoria down the gurgler. It was a merchant bank that had powers not only to advise but also to lend money and make choices. It was set up to pick winners. However, all it picked were losers, losers, losers. For the Treasurer's information, I point out that the Queensland development authority will only have powers to correlate information and advise. It will not be able to authorise or do any of the other things that the Treasurer has suggested. It will be an independent authority. That is contained in the document, of which the Treasurer has a copy. If he was able to stare truth in the face, he would be able to read the document.

I refer to some of the matters which gave rise to the development of this document. It has been tested by business leaders, environmental specialists, academics, investors, developers, and former senior bureaucrats. It is interesting to note that they have all endorsed it. It has credibility right through the State, and the Government knows that. It is only Stage 1 of a major plan. That is what is getting under the Treasurer's skin, and that is the only reason why the Government has called on this ridiculous and outlandish debate today.

A number of matters were raised by business leaders throughout the State during the development of the policy. Everyone knows that this State has ceased to move. It has ground to a halt and there is no confidence. Business leaders said that they no longer have goal posts. They no longer know the rules. This Government has removed the goal posts and has put them in the locker room. All business leaders have said, "We do not care how tough the rules are, but we need those rules to be identifiable and to not move." The first point that was raised was that there are no clearly definable, published guidelines for investors wishing to embark on new projects or enhance existing operations in Queensland. Those investors are going offshore. The second point was that the level of consistency in respect of local government by-laws and procedures in both statement and application is inadequate. I believe that a review is under way, which I applaud. The third point was that Government policy has increasingly been developed in response to narrow pressure group activity regardless of the wider community concern. The fourth point was that the public service has been politicised, compromised, and demeaned by an administration determined to institute change for the sake of change without recognising the professionalism and talent that has been cast aside and lost to the detriment of the State.

Let me make it clear to the House that I strongly believe that without a consistent, solid and secure bureaucracy, one cannot have good government. Unless the Government gets out of the road of free enterprise and lets it move on, there will be no progress, growth and development in this State. One of the most fundamental changes will be to free up the labour market so that people who are prepared to get on with the job can invest in this State. It must be recognised that people who are in employment should be rewarded for their efforts so that productivity increases and incentive and the

investment structure is not depressed. The fifth point made by business leaders was that, under the current structure, the demands of the bureaucracy and Government interference are impeding the reasonable progress of investment strategy. The message is coming loud and clear from the business community. The sixth point was that existing Government expertise, which should be utilised to support, guide, or refuse development projects, is often contradictory and uncoordinated. We have people who have to go to the feral cat for advice. It is just not on. The seventh point that was made was that existing databases are not soundly structured, are accessible only in an ad-hoc manner, and have a territorial structure that is not conducive to promoting and enhancing the development of Queensland. The final point that was made was that there is no longer any certainty of a consistent regulatory environment for investors in Queensland. I cite the Noosa development, the Daydream development, and numerous others.

Time expired.

Mr DEPUTY SPEAKER: Order! The time for the debate has now expired.

FREEDOM OF INFORMATION BILL

Second Reading

Debate resumed from 5 December (see p. 3850).

Mr LITTLEPROUD (Condamine—Deputy Leader of the Opposition) (4.43 p.m.): I notice that the Minister who is responsible for this legislation is not present in the House. Nevertheless, I ask the Premier, or the other Minister who is present, to take note of my request. First of all, I refer to an article about this legislation in the *Courier-Mail* of 29 July headed "Cabinet ready on information laws". I notice that the Minister responsible for this legislation is now present in the Chamber. The article suggests that, in fact, the Minister may well bring forward some amendments. If the Minister has some amendments to this legislation, for the sake of the debate this evening, I ask that he circulate them as soon as possible so that other members——

Mr Wells: That is in process now.

Mr LITTLEPROUD: I thank the Minister. In rising to begin the debate on this Freedom of Information Bill, it is totally appropriate for me to make some comments about the long delay between the introduction of this Bill by the Attorney-General in December 1991 and this debate eight months later. Mr Wells, in his second-reading speech, had this to say—

> "The Government acknowledges the need for informed debate on this Bill. Accordingly, it has been decided that the Freedom of Information Bill will lie on the table of this House over the December/January period."

It was obvious that the Government intended to deal with the Bill when the House resumed in 1992. During 1992, this Bill has always been on the business paper. Many times it came near the top of the agenda, but then it was suddenly relegated to the bottom of the list. Many Bills that were introduced after this Bill have been debated in this House and enacted. This begs the question: why was the Government keeping this Bill before the House but refusing to debate it? It appears that there are two possible reasons. This Bill contains a clause that directs a Government to respond to applications for information within 45 days. Many people in Queensland have a special interest in gaining access to information held by this Government. Those people suspect—with some justification, I might add—that the Goss Labor Government has things to hide and does not want this Bill passed and proclaimed before the State election. It is claimed that the Goss Labor Government is abusing its control of matters before this House and will ensure that this Bill is delayed long enough to ensure that the Government escapes the public scrutiny for which the FOI legislation provides. If that is the case, the Attorney-General and the rest of the Goss Government are to be condemned. What a woeful case of double standards!

On the one hand, the Attorney-General professes his support for the concept of freedom of information. Yet, with respect to this Freedom of Information Bill, he has cynically shielded the Government from the process that he professes to support. This Government is fully aware that it can honour a commitment to the FOI Bill by finally passing it at this late stage of this Parliament, but it can also ensure that it will not allow itself to be subject to public scrutiny by ensuring that the mandatory 48 days in which a Government must respond to calls for information will not have elapsed by the time of the next State election.

Withholding information from the public by this Government has not been confined to the presentation of and eventual debate on this FOI Bill. I point out to honourable members that until this week, the Government had quite shamefully withheld information from the Cooke inquiry, long after any court cases related to most of the Cooke inquiry were over. The Attorney-General's own actions in that cover-up need to be exposed. On 8 April 1992, during the Rod Henshaw program, Mr Wells was pressed to release those sections that were withheld when the reports were tabled by the Honourable Nev Warburton. I quote from the transcript of the Rod Henshaw program on that date. The question was posed by Mr Henshaw—

> "When are we going to see the secret volumes?"—

referring to the Cooke inquiry secret volumes. The response from Mr Wells was—

> "Yes, Ballock's case, decided by the High Court, prevents recommendations made by a commission of inquiry to prosecutorial authority from being made public. The reasons of that is, because people are entitled to the presumption of innocence if a prosecution is not brought against them."

Rod Henshaw made the point—

> "Which means when will we see them?"

The response from Mr Wells was—

> "Well, the High Court has decided that they should not ever be made public. They become part of the prosecutorial record, and if Brian Littleproud wants me to reveal these, either under FOI or anywhere else, then what he wants me to do is to defy the High Court."

Honourable members now need to recall what happened yesterday in this House. The Attorney-General has changed his stance.

Mr Wells: That is subject to the completion of the prosecutions. You are not going to take that interjection, are you?

Mr LITTLEPROUD: The Attorney-General will have his chance to speak. He has had nine months in which to present this Bill. Yesterday, in a ministerial statement to this House, the Honourable Ken Vaughan advised that the Attorney-General had recently sought the advice of the Director of Public Prosecutions as to whether he should table the Cooke inquiry reports in full. In that statement, the Honourable Ken Vaughan said—

> "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."

Why is it that, on 8 April, the Attorney-General could tell the people of Queensland—via the ABC—that those supplements to the reports will never be released and that to do so would be to defy the High Court? Now the Attorney-General reports to his Cabinet colleagues that the Director of Prosecutions advises that the material can be made public. I suspect that, on 8 April 1992, the Attorney-General deliberately misled the people of Queensland. This raises the question: why did he refuse to publish the Cooke inquiry report material sought then? I suspect that the answer is that the Attorney-General was completely disregarding his responsibilities as the Attorney-General and

pulled a political stunt to protect his ALP mates in the unions. His Cabinet colleagues valued his integrity. In recent days, when pressed to produce the documents that we sought, Mr Vaughan has responded. Credit to Mr Vaughan and not so much credit to the Attorney-General! The fact remains, however, that withholding information from the public is a practice used more than once by this Government.

Today, members are debating a Bill that should have been debated months ago. The only reason that this debate has been delayed is to protect the Government from public scrutiny. And yet, in late 1991, this Minister came before the House and professed a commitment to FOI legislation. Freedom of information legislation is not new. I understand that it has been in existence in Scandinavian countries since the 1940s, and in the United States since the 1960s. However, Australia was the first country with a Westminster system of government to introduce FOI. In 1982, the Federal Government enacted the Freedom of Information Act. Canada, New Zealand, Victoria, New South Wales, the Australian Capital Territory, Tasmania and Western Australia all have FOI legislation of some sort. I believe that this Bill before the Queensland Parliament is similar to legislation enacted by those other Parliaments. It goes further than most, however, in that it permits unlimited retrospectivity. Most FOI legislation limits the retrospectivity to a shorter term—in many instances, 12 years.

I must say that I find it odd that Queensland's Attorney-General should state with much gusto that he has provided for unlimited retrospectivity, yet he has quite deliberately stalled on debating this Bill so that the most recent Queensland Government—the Goss Government—will be protected from public access to information and its decisions before the forthcoming general election. I suspect that the public will not be completely happy with this legislation—and not solely with this legislation, but with FOI legislation in general. I believe that the public has been led to believe that everything will be open to public scrutiny. Of course, after a scrutiny of this Bill, it is obvious that that is not the case—and nor should it be. It is unfortunate that the hype used to promote the FOI Bill overstates the case, and that the limits on access have not been given prominence in the publicity on the Bill.

It appears that all FOI legislation exempts matters dealing with national security and defence, international relations, legal advice, commercial information, personal information about individuals, law enforcement and Cabinet minutes. Most people would readily understand why some of those categories are exempt, but I can understand their desire that access to Cabinet minutes should also be available. They would claim that it is in Cabinet where the major decisions affecting their lives are made, and that they would like to know more about that decision-making. I believe that most honourable members fully appreciate why Cabinet minutes are exempt from disclosure, but I suspect that many in the community do not, and they will feel let down by that aspect of the Bill. It was interesting to note that, yesterday, the new *Cabinet Handbook* was handed down. I perused that document and noted a change in procedures. It was always my understanding that notes taken by the Cabinet secretary during Cabinet discussions were never destroyed, but were kept for the record. The new *Cabinet Handbook* directs that Cabinet notes can be destroyed after decisions have been made or Cabinet submissions have been completed. That is something quite new and seems to contradict the whole idea of freedom of information.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order!

Mr LITTLEPROUD: Thank you, Mr Deputy Speaker. Members opposite are getting out of hand. I have already stated that I and other Opposition members appreciate that Cabinet minutes must be exempt from disclosure, but it seems rather odd that a new section should be put in the *Cabinet Handbook* that enables the notes to be destroyed.

In December 1990, EARC issued a report titled "Freedom of Information", which stated—

> "Freedom of Information is the grist of government processes. The fairness of decisions and their accuracy, merit and accountability, ultimately will depend on the effective participation of those who will be affected by the bill. Further, when access to information is denied its right to exercise control over government, F.O.I. legislation is crucial if access to information is to be obtained, and thereby participation is to be achieved."

All parties represented in this House embrace such a notion. Indeed the parliamentary committee, in the main, gave its support to the report and agreed with much of the draft Bill for FOI presented in the report. It is acknowledged that FOI offers many benefits. They can be summarised in this way—

greater awareness of the role of different Government agencies and increased public participation in the process of policy making;

an ability to obtain and, if necessary, correct personal information held by Government;

increased Government efficiency;

ensure access to information held by Government; and

improved record keeping, communication and objectivity in dealings between Government and the public.

However, there are also some potential disadvantages. Some of those may be—

it is costly to administer;

it increases demands on resources in agencies;

requests may underlay complicated Government processes and distract officers from their primary administrative tasks;

public servants will be less frank and candid in their advice, resulting in less information being available to Governments to make decisions; and

commercially sensitive material may be revealed, resulting in companies or people dealing with Government being more cautious in their dealings, or public servants possibly being exposed to defamation or breach of confidence actions.

Whether or not those disadvantages become reality will only become apparent when the Act is enacted and proclaimed. I hope that those disadvantages do not become a reality. I have spoken to some Ministers who share my view that, in difficult economic times, the cost factor may impinge on the Budget. However, because of the obvious benefits, we are prepared to wait and see what happens. As is always the case, there are often some downsides.

I turn now to the effect of FOI on the public service. I am aware that many public servants have had serious concerns about FOI. I am aware also that the Department of the Attorney-General has carried out extensive educational seminars to fully brief public servants on the procedures they must follow and how best to avoid some of the potential minefields they fear. I can only hope that the briefings have been effective, for it will be totally unfair if Ministers' deliberations in Cabinet are protected by exemption but public servants are totally accountable and liable to litigation.

During my term as Minister for Education, there was a call for student record cards to be made accessible to parents. At that time, that proposal caused a great deal of concern, because teachers made comments on those cards in the belief that the cards were for the perusal of teachers only. At the time, I agreed that teachers were to be instructed from that date onwards that student record cards would be available for parental scrutiny, but any cards prepared before that date were to retain the confidentiality originally given to them. I made that decision because I wanted teachers to be protected from possible court action over comments made about individual students they had been teaching. In short, I recognised that it would be wrong to make something retrospectively open to parental scrutiny when originally the officers were protected. To date, I have not been told if the original student record cards will lose their confidentiality under this FOI Bill. I hope not. I sincerely hope that appropriate

action has been taken to protect teachers who complied with the administrative procedures in place at that time. No doubt there are many similar instances in other departments that raise the concerns of public servants. Unless adequate protection is given, public servants will be placed in a most unfortunate position.

I was contacted by Mr Brad Smith, the Executive Director of the Association of Independent Schools of Queensland. He advised me that his association was most concerned that the FOI Bill would result in a large number of requests from the public for student assessment data. He believes that many people receiving such information will not be in a position to properly analyse or interpret such data. AISQ is concerned at the detrimental effect that the release of student performance data is likely to have on Year 12 students and on all Queensland secondary schools. The association is fearful that some of the media will attempt to make comparisons between schools and students across the State and within the various schooling systems. The association fears that such comparisons will not be in the best interests of education in Queensland. I do not expect the Attorney-General to be fully conversant with this matter, but I hope he will refer that concern to the Minister for Education and have him make a statement to this House in the near future.

The Attorney-General has given unlimited retrospectivity to this Bill. I understand that the Western Australian legislation has similar unlimited retrospectivity. The National Party abhors retrospectivity in legislation, and I have grave reservations about that provision in the Bill. I have already cited an incident in the Education Department that concerned me in 1988 and still concerns me. However, after consulting with my colleagues the member for Lockyer and the member for Burdekin who are on the EARC parliamentary committee, I am prepared to accept that, for this legislation to be worthwhile, it must give access to previous decisions and retrospectivity of some kind. The Opposition has given its support to all aspects of the Fitzgerald reforms. It was, in fact, the National Party Government that set up the Fitzgerald inquiry and then put in place the legislation making subsequent reforms possible. I hasten to add that I have long subscribed to the belief that Governments act on behalf of the people, and matters of Government should be open to public scrutiny. Governments should be accountable to the public.

Finally, I want to comment on the structure of the Bill itself. The six Parts of the Bill deal with such things as publication of documents and information; access to documents and information; amendment of information; and external review of decisions that are challenged. They also deal with definitions and various miscellaneous matters. The Bill goes into detail about each of these matters to ensure that all possibilities and aspects are dealt with. Many of the clauses in this Bill have already been scrutinised closely by the parliamentary committee. I am confident that this legislation, which is necessary to ensure the commitment to Fitzgerald reform, will become a reality. The Opposition will support the passage of this Bill. However, it censures the Attorney-General for his deliberate abuse of the spirit of FOI by refusing to bring on this debate much earlier.

Mr FOLEY (Yeronga) (5.01 p.m.): This day is a good day for the ordinary person because it changes the balance between the ordinary person and the power of Government. We live in a society where information is power. We live in a society in which mere access to property, access to services, does not constitute the whole of what makes life worth living. Barry Jones referred in a famous work to the idea of an information-rich society. This legislation helps Queenslanders to live in an information-rich society by turning upside down the old pattern whereby information held by Government was secret unless the Government gave it away to the citizen. In the development of our common law heritage, there was a time when it was said that the Crown could do no wrong. It was said also that the councils of the Crown must be secret. Whatever force those propositions may have had in medieval times, they are clearly without force in modern times.

In order to be able to use the range of services available to a citizen and in order to avail oneself of the rights and liberties of a citizen, one needs to have access to basic

information. In my speech to this Bill, I will deal briefly with the background of its development through the Fitzgerald report, EARC and the parliamentary committee; its implications for ordinary people in their dealings with Government; and its implications for interest groups and the media in changing the ways in which they interact with Government. However, before moving to those points, I must note with some amusement the protests that fell from the lips of the previous speaker about delay. I sometimes wonder whether the National Party is not engaged in a massive attempt at self-parody. This is the party which for years refused point blank to allow freedom of information in Queensland.

I well remember in 1985, as President of the Queensland Council for Civil Liberties, urging the then Government to introduce freedom of information legislation. I well remember the seminars that were held at that time by the Council for Civil Liberties arguing the case for administrative law reform and, in particular, freedom of information. Year in and year out the proponents of freedom of information were greeted by an arrogant refusal on the part of the National Party Government and, in a feat of hypocrisy which is truly breathtaking, the National Party now criticises the Government for a delay of some months in bringing this legislation before the House.

Mr Beattie: It is indeed hypocritical.

Mr FOLEY: I thank the honourable member for Brisbane Central for his observation. It should be said frankly that, for a couple of reasons, this is the best freedom of information legislation in Australia. Importantly, it embraces local government. In local government many decisions are made that affect people in their ordinary day-to-day lives. In addition, the cost structure for accessing freedom of information is the lowest in Australia by a country mile. Those two facts are important ones in making us proud of the package of freedom of information legislation which is before the House today. The costs involved for the ordinary citizen seeking access to his or her own file are nil, that is to say, ordinary people seeking access to a file held on them by a Government department or a statutory authority will have a right of access free of charge. What does that mean for the ordinary person? Consider the case of an injured worker. I recall when I was practising at the Bar the numbers of occasions on which injured workers might be refused workers' compensation. There are certain rights of appeal for those persons to make application to the Industrial Magistrate to challenge that decision. However, the contrast between the Commonwealth and the State in this area was stark because, at the Commonwealth level, one could get access to the reports upon which the decisions had been made to grant or to refuse workers' compensation.

The mere provision of a right of appeal without access to information is doing only half the job. This piece of legislation will be of assistance to ordinary workers who find themselves wanting to exercise their workers' compensation rights because they will have a right of access to their files. If there is inaccurate or misleading information on those files, they will have the chance to correct it. Now, that is very, very important at a time when economic conditions are tough and where an injury to a breadwinner in a family can result in poverty for the whole family.

I will turn to the position of the thousands of public housing tenants in Queensland. Those are persons who have dealings with what used to be called the Queensland Housing Commission and what is now called the Department of Housing and Local Government. I have many such public housing tenants in my electorate of Yeronga. I pay tribute to the reforms put in place by Tom Burns and his department in ensuring that such persons are treated with the dignity and respect to which they are properly entitled. It is very easy, if one is an ordinary citizen dealing with the massive bureaucracy of Government, to feel overwhelmed. Government, in the area of public housing, makes many decisions each day to allow or to refuse the transfer of a person from the home which he or she occupies to another home, to grant to a person or to a family access to public housing, or to refuse it. The relationship between the citizen and the public housing authorities can become a relationship of dependency instead of, as it should be, a relationship of respect between the tenant and the landlord. This will give

tenants access to the files held about them by the public housing authorities and, as such, it removes that spectre of unknown information which is so much a part of the power relationship between superiors and subordinates. What this freedom of information is about is changing that balance, moving away from a situation in which people are reliant and dependent upon the exercise of an administrative discretion on the part of Governments or authorities and, instead, replacing it with a system of fair dealings between people with open information in which people are treated in accordance with their rights and not merely in accordance with the whim or grace of the exercise of an administrative discretion.

In those respects, this freedom of information package is an important contribution to social justice. Lord Scarman, the famous English jurist, discussed the area of social justice in his lectures on the New Dimension of English Law. His Lordship made the point then that it is no longer sufficient for the law to provide a framework of freedom in which men and women may work out their lives. His Lordship went on to observe that social justice, as our society understands the term, requires the law to be loaded in favour of the weak and exposed and to give them access to tribunals and other authorities where they may assert their rights.

The American jurist Charles Reich described the exercise of administrative discretion for persons in receipt of welfare and public housing as a form of new property. He made the observation that many people in modern society are dependent for their everyday income and shelter not upon the law of contract or the law of private property but upon the exercise of an administrative discretion. We have hundreds of thousands of people in Queensland who depend for their shelter upon the proper exercise of discretion by public housing authorities, and it is appropriate and proper that that decision making process should be out in the open.

It is not just something for the workers, for the public housing tenants; it is something for every person who has dealings with Government in trying to do business. Consider, for example, the position of a person who seeks a taxi licence. Such a person seeking an occupational licence may be knocked back, but it is important to know why and to know what the facts are upon which these decisions are made. If the facts be in error, it is important that that person have the opportunity to correct that error. This reform to freedom of information would enable, say, an applicant for a taxi licence to get to the facts. It is important to look at this legislation together with that other great piece of reform legislation which came through this House—namely, the Judicial Review Act—because the Judicial Review Act now requires decision makers to give a statement of reasons for the decision in respect of any decision adversely affecting a citizen. Under the Acts Interpretation Act, that statement of reasons is required to include the findings of fact upon which those reasons are based. Here we have two very powerful weapons in the hand of the ordinary citizen seeking justice from public administration: firstly, the right to have reasons for a decision affecting him or her; and, secondly, the right to get access to the basic information upon which that decision was made. Armed with those two tools, a person may effectively agitate his or her rights. Without the information, without the reasons, such a person is left in the land of limbo, unable effectively to assert his or her rights. That is a short synopsis of the implications for ordinary people.

In the time available, let us turn to the implications for public interest groups and for the media. For such persons, a $30 application fee and a charge of 50c a page will apply. However, this is of tremendous importance if we are to have a pro-active media. By that, I mean a media that is willing to pursue issues and not merely to consume the hand-out press releases of politicians, public interest groups and vested interests. It is extremely important for environmentalists. In this debate, I pay tribute to the fine work of Dr Aila Keto.

Government members: Hear, hear!

Mr FOLEY: I note from the response of my colleagues that she is held in very high regard throughout the community. I well remember, prior to the last election, being with her at various meetings at which the cause of freedom of information was agitated.

Environmentalists realise that, if one is to effectively protect the environment, one must get access to basic information. If, for example, the environmentalists had been able to gain access to the Daintree Road information at the time when that decision was made, how much more effective might the public discussion and debate on that issue have been? The environmentalists well know that——

Mr FitzGerald: Do you see the proposed amendments that the Minister's got? He can refuse on the same ground now—environmental grounds. He may. I support this amendment, but this amendment could possibly go contrary to what your desired aims are. With an unscrupulous Minister, that could happen.

Mr FOLEY: I thank the honourable member for his observation that he supports the amendment proposed by the Attorney for the Committee stage.

Mr FitzGerald: I believe an unscrupulous Minister could use that to deny Aila Keto information she needs.

Mr FOLEY: I take that interjection, because the honourable member for Lockyer, along with other members of the parliamentary committee, has been a vigorous contributor to the development of the legislation. Notwithstanding my earlier criticisms of the National Party in Government, a great deal of credit goes to the approach adopted by the honourable member for Lockyer, the honourable member for Burdekin and the honourable member for South Coast for their work as members of the parliamentary committee. However, I respectfully suggest to the honourable member that he is in error in thinking that it is a matter for the discretion of the Minister and that it is open to an unscrupulous Minister so to abuse it. The fallacy in that thinking lies in the failure to remember the central role of the Information Commissioner. The Information Commissioner ultimately decides that question, not the Minister. Long may it be so, because we need an independent body.

I note with some sadness for my professional colleagues that we have not followed the adversarial, or quasi-adversarial, model of the Commonwealth Administrative Appeals Tribunal. At every turn, we seem to be cutting down on work for lawyers. Perhaps, in due course, lawyers will have to seek protection as an endangered species from the Honourable the Minister for Environment and Heritage. The point of that is that we need that independent Information Commissioner in order to be the safeguard, to make the decision according to law as set out in the Parliament, not according to the political or administrative convenience of the Government of the day.

The Bill is a triumph of law over political expediency. It is a triumph of the will of the Parliament over the expediency that the Crown may see in various matters. As such, it is a most important step in advancing the rule of law for the ordinary citizen, for interest groups and for the media to ensure that we have in Queensland a new set of rules, a new order, in which all citizens may have access to information about matters which affect their day-to-day lives and those of their families.

Mr BEANLAND (Toowong) (5.21 p.m.): In 1989, the people of Queensland voted for a change. They voted for a more open and accountable Government. They voted for greater accessibility to Government and Government decisions. Unfortunately, they have not received that from the Government. Yesterday, we witnessed the outrageous, grubby performance in which the Government guillotined the State Budget debate. We do not have the open and accountable Government for which the people voted. It is an old adage and, no doubt, a true one that Governments in general do not like their workings and decision-making processes to be open to public scrutiny. That is so for a number of reasons. Some of those reasons are quite valid; others probably verge on paranoia; and some—a very small proportion—are that proper practices have not been followed.

In general, Government decisions are based on proper practices. However, the Government has given all Queenslanders cause to consider whether that is still so. It would be interesting to obtain the documents relating to the appointment of some key Labor Party cronies to top Government jobs, but the Government will, no doubt, deny us access to those documents. I know that there are some unhappy rumblings in the

ranks of members opposite about this Bill. They are concerned that access to the sometimes dubious decisions made in secret by this Government could have far-reaching consequences. When it comes to the vote, we shall all be looking for the nervous faces opposite. However, that is their problem. Whatever some Government Ministers and members may feel, there is certainly strong feeling in the community that Government documents and other material should be open to public access. The rationale for this is simple: the Government is there to serve the people. The people are the masters of the Government. Therefore, the servant should not keep secrets from the master.

Freedom of information first became a reality in Australia 10 years ago with the advent of the Federal legislation in 1982. In recent years, most other States have introduced similar legislation. As I have mentioned, there is no doubt that freedom of information is a popular concept with the public. The Liberal Party has long stood for open and more accountable Government. Therefore, it supports this legislation. Freedom of information legislation has been part of this party's policy platform now for several elections. The big question will be whether or not the Government will comply with the spirit of the legislation. I suspect not, but we will give it the benefit of the doubt.

This Bill should allow for Queenslanders to have the best and most efficient freedom of information legislation in this country. To do this we must make sure that it avoids some of the pitfalls of similar legislation in the Federal sphere and in other States. This legislation has lain on the table since 5 December 1991, yet the report of the Parliamentary Committee for Electoral and Administrative Review was dated 18 April 1991, some 15 months ago. The report of the Electoral and Administrative Review Commission to the Parliament was dated December 1990, some 20 months ago. If this legislation is as important as I believe it is and as I hear some members of the Labor Party say it is, one must ask the question why the legislation was not passed earlier in the term of this Parliament. This legislation is being debated only now.

I remind honourable members that, according to Labor, this legislation was one of the Labor Party's cornerstones of the last election. Cynics would say, with some real justification, that Labor has delayed the legislation. Although I hear and accept what the Attorney says, namely, that he has been consulting and reviewing the matter, it is interesting to note that he is not going to spend much time reviewing this year's State Budget, and he has not spent much time reviewing a whole series of other pieces of legislation about which I could remind him. For obvious political reasons, the Attorney has spent a long time reviewing this piece of legislation. It is all to do with ensuring that the legislation is not put through the Parliament too soon prior to the next State election with the result that the effect of it will not apply to this State Government. The legislation will not apply until three months after it has been proclaimed. Although the legislation is being passed today and no doubt will be proclaimed at some time in the near future, I am sure that, unless I get some cast-iron guarantees from the Attorney this evening, the Premier will be able to sneak in the election before the three-month period has elapsed and before the legislation applies to this particular Government and its term. That is what it should apply to. However, this Labor Government's aim is to ensure that this legislation is not effective and that it does not operate against it.

I have just received a copy of 21 amendments which the Attorney proposes to move at the Committee stage. I believe these have been rushed in without adequate time for consideration by, certainly, the Liberal Party and, I am sure, the National Party.

Mr FitzGerald: They should have been handed to you a week ago, shouldn't they?

Mr BEANLAND: They should have been handed to me at least a week ago. One would have expected that to be the case, considering that it has been nine months since the Bill was introduced. Having quickly perused these amendments, I am disappointed because they do not appear to address the important point raised by the Association of Independent Schools in its letter to me. I know that similar letters were sent to the Attorney and to the Minister for Education. I presume that a whole host of

other Ministers would have received a similar letter. However, I am sure that the Attorney and the Minister for Education did receive it. That letter, which relates to the release of student assessment information, states—

> "The Association of Independent Schools of Queensland . . . which represents 110 independent schools educating some 50,000 students in Queensland, is concerned that the Board of Senior Secondary School Studies intends to publish details of student performance statistics for individual schools.
>
> The impetus for the Board's proposal to release this information apparently stems from concerns that the impending enactment of the Freedom of Information Bill will result in a large number of requests from the public for student assessment data which those requesting it will not be in a position to analyse or interpret.
>
> The Association of Independent Schools of Queensland is most concerned at the detrimental effect the release of student performance data is likely to have on Year 12 students and on all Queensland secondary schools. The release of the data will encourage the media to attempt comparisons between schools and student performance across and within systems. Not only is this not in the best interests of Queensland education, but must cause divisiveness in the educational community.
>
> The Association of Independent Schools of Queensland seeks your support to modify the Freedom of Information Bill to ensure that all Year 12 students and schools are not disadvantaged as will inevitably occur under the arrangements being proposed."

That letter was signed by the executive director, Mr Bradley Smith.

We already see a great deal of divisiveness within the education system generally. One would have thought that the Minister for Education would have been taking some action to ensure that this situation does not worsen. Already, he has gone down in the history of Ministers for Education as one of the blunderers. He has caused more divisiveness than most other Ministers in the history of the Queensland education system. This legislation will simply add to it. I am very disappointed because the proposed amendments do not appear to cover that situation.

I want to refer to some of the problems that this type of legislation has encountered in other places. The first freedom of information legislation in Australia was that passed by the Federal Parliament. Unfortunately, it really does not work very well. It has become a bit of a charade, largely because of the actions of some Federal agencies which deliberately frustrate its proper use. I fear that that may happen here. Because of the rather heavy cost structure imposed, there is a disincentive built into the system. There is a widespread feeling that the spirit of the Act is being ignored. Rather than approach a request from the point of view that a citizen should have access unless there is a specific reason against it, many departments tend to start from the other end and actively look for reasons not to give out the information, and only give it out if they cannot think of a reason not to.

In fact, my Federal colleagues tell me that there is now a regular pattern followed by some agencies to make the whole process as frustrating—and frustrated—as possible. Firstly, they delay acknowledging the request. Secondly, they charge ridiculously high fees. Thirdly, they do not comply with the request within the time limit. Fourthly, they use technical objections to prevent the release. Fifthly, they force expensive and lengthy appeals against release. As honourable members can imagine, this obstacle course becomes quite tedious and many applicants give up in disgust. I am aware of one Federal member who quite often attempted to make use of the legislation, but he eventually gave up, because many of his requests met with absolutely no response. He started appealing, but that became too time consuming and far too expensive. In the end, he threw in the towel. The Attorney-General must ensure that the same scenario does not occur under this legislation.

The issue of fees is an interesting one. Federally, a sort of sliding scale applies. Quite often, it can cost hundreds of dollars to get one's hands on the document that

one is seeking. The problem is that a person does not really know whether he or she needs a document until it is paid for. Sometimes, Government agencies seem to quote ridiculously high fees, in what everyone assumes is an attempt to discourage people from pursuing the application. It certainly seems that the charges are inflated to make access as expensive as possible. The charges are used as a means of deterring people from using the Act. In the Federal sphere, charges also apply to members of Parliament, which is an effective way of trying to make it as difficult as possible for the Opposition to get its hands on Government documents. I notice that, as they listen to these comments, some members on the Government side have smiles on their faces. I would never suggest that they would deliberately interfere with a member's right to access Government information. However, it is worth wondering whether imposing charges on members might actually amount to a breach of privilege, because it is an obstacle to them carrying out their duties as members.

In the Federal sphere, the form of response given to applicants has also been a problem. After a request is made, a person is sometimes told that a department has some documents that may be relevant. However, if a person wants to know more, he or she will probably have to pay a few hundred dollars to find out. Only after the money is paid does a person find out what the documents really are and whether they are in fact relevant. Sometimes applicants discover that the documents that they have spent hundreds or even thousands of dollars to get their hands on are not relevant and, if they had been told what the documents were in a general sense, they would have discontinued their applications. Perhaps consideration can be given to this problem arising in Queensland. Deletions have also been a problem. There is not much point paying for a document only to find that, for whatever reason, 90 per cent of it has been deleted. A satisfactory reason should be given for deletions. If most of a document is to be cut, the applicant should be informed of this fact and given the option of abandoning the search. Similar problems are experienced in other States. However, we must look at the situation in Queensland and this Bill in particular.

It is important that it is understood to what information this Bill will apply. I note that the definition of "document" under the Federal Act is much wider than the definition proposed in this legislation. Under the Federal Act a "document" includes any written or printed matter, any map, plan, photograph, article or audio-visual material. The whole process should be designed to allow access to as much information as possible. Some parts of this legislation seem to deny that right.

As I mentioned earlier, charging fees can be a big deterrent to many people. Requiring a person to pay before he or she gets access to documents to see whether they are relevant is a problem. Perhaps the Attorney might consider compromising and allow applicants to inspect the documents or have their contents detailed so that they will know whether or not to proceed or to withdraw a request for some of the documents. Time is also a big issue. This Bill provides 45 days in which an agency can reply. That period is too long. In these days of instant communication and data retrieval, a time period of 30 days is generous. That is the time period allowed federally. That condition prevents agencies from using the maximum time available as a delaying tactic.

One of the most interesting aspects of this Bill is the out that it provides if the document is being prepared for release to the media or the Parliament. The fact that a document is being prepared for the media should not stop anyone who is smart enough to ask for it from getting it first. The Attorney is well aware of that fact. Perhaps the Government's media manipulation brigade—which, according to its own figures, costs Queensland taxpayers over $50m a year—will get upset and spit the dummy if its carefully planned exercises are taken out of its own control, but that is just bad luck. It is quite disgusting that media management in that form is provided for under this legislation. The Government has to accept that media management in that form is completely and totally unacceptable. I understand that material that is required to be presented to Parliament should be exempt. However, not all material that might one day, if someone feels like it, be tabled in this place should be exempt. This provision seems to open up a Pandora's box and give every agency the perfect excuse to refuse access on the grounds that the document is intended to be presented to Parliament. That

would very nicely allow the Government the perfect excuse for not handing over any documents that could be embarrassing or which might be the subject of some political issue.

If an application is rejected, what the applicant is told is of vital importance. It is a vital requirement that an applicant be told the reasons behind the decision. In other jurisdictions, the answers have become rather standardised. Applicants are told that the matter relates to confidential material, public safety, Government relations or whatever. However, they are not told how or why, and the whole response is just far too general. One can imagine a scenario in which a standardised answer is prepared and sent out to every person who applies for documents. The Attorney should consider providing a means for a request for better reasons long before a matter reaches the appeal stage before the commissioner.

As to exempt documents—it seems to me that those provisions might be a little too wide. It may well be that documents were brought into being for a number of reasons, and not solely for one of the reasons covered in the list. Perhaps access could be denied only if the sole purpose of the document is one of those listed. Different provisions apply for appeals in different States. The way in which this legislation deals with the situation is satisfactory, but the office of the commissioner needs to be clarified. No qualification prerequisite exists for the commissioner. No guide is provided for his or her remuneration. Perhaps it could be tied to that of a judge. An open cheque is provided for the commissioner's staff. This office could turn into a whole new bureaucracy with a massive staff. Overall, the Bill seeks to give people the right to access Government documents, particularly those which relate to themselves. That is as it should be. The legislation gives people the right to have incorrect information corrected. The Liberal Party supports the Bill. However, I hope that the Attorney will take on board the suggestions that I have made.

Ms POWER (Mansfield) (5.37 p.m.): It is with pride that I address this House as a representative of a Government that is committed to bringing honest, open and accountable government to the people of Queensland. To highlight the ideals of a democratic Government, legislation in the form of the Freedom of Information Bill 1991 is now before the House. This Bill will ensure that, for the first time in the history of this State, all Queenslanders will have access to Government documents and the information contained therein. Indeed, this is a new and positive direction that will release the people of this State from the restrictive and inhibitive practices of the past. It sets up a new relationship between Government agencies and members of the public. People will no longer be subjected to secret Government practices. Instead, they will have the freedom to actively participate in a consultative capacity, thereby achieving greater Government accountability.

This notion of accountability has emerged in response to Fitzgerald recommendations. This Government firmly stated that it would implement those recommendations. Consequently, the passing of the Freedom of Information Bill will prove to be a significant step towards ensuring that every person has the right of access to particular documents held by Government agencies. Prior to the Fitzgerald inquiry and subsequent changes to legislation, the people of Queensland and Government agencies often stood as opposing forces—one side wanting the freedom to access areas of information; the other side withholding or denying this information behind a wall of bureaucratic silence. In the past, no effective legislation has existed to empower people to access information or to question governmental practices and procedures. In effect, the people of Queensland have been kept in an uninformed state. Under those arrangements, the uninformed populace was ill equipped and lacked the capacity to make informed judgments or to participate in the political process of a so-called democratic society. Under this Government, democratisation should, and will be, the cornerstone of this State. Huxley's concept of a brave new world is gone. The notion of Big Brother is being reformed and replaced with a more open, honest and accountable system of government. The Goss Government is opening doors that have previously been nailed closed. However, it does not do so in an ad hoc manner. This

legislation also incorporates provisions that protect the interests of both individuals and Government bodies.

This Bill represents a carefully thought out and well balanced piece of legislation. It recognises the need for openness as opposed to secrecy. It also acknowledges the existence of certain information that needs to be protected from disclosure. Consequently, provisions have been set up that will exclude or exempt this information from being accessed. Areas of exemption are set out clearly in the Bill. The purpose of exemption from those areas is not, as it was in the past, to withhold information from the community at large, but rather to act as a function to protect. Such protection relates to matters of public interest and the business or private affairs of individuals within the community that could, if accessed, result in detrimental repercussions for those persons involved. In addition, as the judicial functioning of the court system is not included in the Bill, it also excludes from access information held by the Industrial Relations Commission. To administer such procedures, the Bill provides clear guidelines that will allow and assist individuals to initiate the right of access. As my learned colleagues will no doubt be aware, the general public of this State are greatly interested in accessing certain information. The people of Queensland made their views extremely obvious at the last State election. They were no longer prepared to be at the mercy of a dictatorial and authoritarian Government. Instead, they elected a Government which they trusted to lead them into a brighter future in which they would have the freedom to right the injustices of the past through greater Government accountability. This Bill will permit the people of the State to actively participate in the governing of their State.

As the people of Queensland indicated that it was time for a change of Government, equally the Government recognises the need for change. This Bill represents a major turning point in society's infrastructure. The Goss Government acknowledges the need to monitor the impact that the Bill will have on both private and public sectors, and individuals within both those spheres. It is the intention of the Government to review this legislation at the end of a two-year period. The tabling of the freedom of information legislation has resulted in much debate. It appears that members of the Opposition have difficulty in confronting the inevitable shift in power that will emerge from this Bill. Being open to public inspection seems to be a prospect that alarms both Liberal and National Party members alike. Although objections raised by members of the Opposition have some degree of relevance, those objections lack any real substance. A major objection has been in relation to the costs involved in the implementation and administration of this legislation. Indeed, cost is a factor that requires careful consideration and monitoring. However, this Government is of the opinion that there is no comparison between monetary factors and the formation of a more democratic society. This Government's objective is to introduce reform that will allow a regime of truth to emerge. Perhaps that is what the Opposition is afraid of.

If members of the Opposition had read the legislation thoroughly, they would be aware of the mechanics that are in place to reduce demands on Government resources and to keep administrative costs to a minimum. Another objection that has been raised by the Opposition is that the freedom of information legislation may distract Government from its primary purpose. Surely, any reasonably intelligent person can recognise that, in a democratic society, the major function of Government is to be accountable to the people who elected it to power. Without access to particular information held by Government agencies, the notion of Government accountability would remain at a superficial level, denying the citizens of Queensland their basic rights to participate in Government. This Bill ensures that individuals will have the freedom to exercise that right. I stress that this Bill will provide the people of Queensland with an instrument that will promote and enhance new rights in the community, and at the same time place specific obligations and responsibility on Government bodies and agencies in relation to openness, honesty and accountability. It is imperative that this Government does not regress to the inadequate practices of its predecessors. Our Government is committed to implementing the reforms put forward in the Fitzgerald inquiry. Only by embracing new forms of political rationalities will we bring about positive changes to the State of Queensland. In fact, this Bill provides the framework for building a new set of social

relations between Government and community, a relationship based on openness, honesty and accountability. I congratulate the Attorney-General and his staff on their industry in bringing this legislation to the House amid much opposition.

Mr COOPER (Roma) (5.45 p.m.): I want to correct a few of the statements made by the honourable member for Mansfield. I will also be taking a different tack from her. The ALP does not have a monopoly on this legislation or on the idea of freedom of information. Any aspersions that this National Party was opposed to freedom of information are simply wrong. This Government has made much of its alleged commitment to its so-called administrative law reform package, and has managed to convince many people including, regrettably, some journalists and, quite obviously, Government members, that simply saying that something is going to happen actually means that it will happen. This package is being trumpeted throughout the State as a bold and innovative reform of Government by the Labor Party but, as with so much else, the substance falls far short of the promise.

When introducing the Freedom of Information Bill in this House last year—and I emphasise "last year"—the Attorney-General acknowledged that the Electoral and Administrative Review Commission had recommended freedom of information legislation. The Minister further acknowledged that this recommendation came only after that commission had held what he described as "an extensive review process". What the Attorney-General failed to acknowledge was that the commission had been established by the former National Party Government as part of its commitment to the Fitzgerald reform recommendations. The Government cannot seem to get hold of that. The Attorney-General also failed to acknowledge that, in 1989, when the former Government went to the people with me as Premier, there was a commitment from us to adhere to the reform process that we had set in motion. The Labor Party's claim to hold the high moral ground on this matter is, therefore, a deliberate deceit. It is utterly without foundation, cynically manipulative and blatantly political. The reform process which the National Party Government established and adopted has been corrupted by the Labor Party's flagrant assumptions about its inspiration. If motherhood was not already a biological fact, or if the recipe for apple pie had not already been refined, the Labor Party would claim to be the inspiration for them, too. Its members will do anything, and say anything, to sound wonderfully high minded. Sometimes, they even manage to do it with a straight face.

When the Attorney-General introduced the Freedom of Information Bill, he spoke glowingly of its conferring important legal rights in respect of what he called "the openness of government". What was said in this House by the Attorney-General and what has happened behind the scenes makes an interesting comparison. Some public servants actually believed that openness and accountability meant exactly that. What happened in the vast Transport Department typifies the rigid and secret control that the Government imposed on the administration of its so-called freedom of information legislation. The Transport Department was well advanced with its plans to train appropriate public servants Statewide to handle requests for information on a decentralised and regional basis. That seemed to make reasonable sense to the Transport Department, but the Government itself was horrified. When word reached the Attorney-General of this sudden outbreak of openness and accountability in the Transport Department, the response was swift and secret. The Transport Department was ordered to dismantle its proposals and, in line with every other department, ensure that requests for information were handled only by a hand-picked, head office select group.

Mr Wells: Never even heard of what you're talking about.

Mr COOPER: The Attorney-General will get his chance.

Mr T. B. Sullivan interjected.

Mr COOPER: He will get his chance. He has got plenty of time. That carefully monitored group will decide what is released by the Transport Department. The reason for this is obvious and inescapable. Public servants in regional and middle management positions, who were judged by their superiors to be responsible enough and competent

enough to handle these requests—after appropriate training, of course—were not judged that way by the Attorney-General and his henchmen. I am sure that a long time ago it occurred to this Government that, while it is just fine and dandy for public servants to leak anything that they wish to, or release officially anything that they wish to about former Governments, that sort of nonsense has to be very quickly nipped in the bud as far as this Government is concerned.

It is both significant and typical that neither the Attorney-General nor the Minister for Transport felt the need—at least in the supposed generous spirit of this legislation—to inform the public that initial plans in the Transport Department for handling FOI requests had been scrapped. No, they certainly did not. As I said, they decided that it was far better that this remain a deep, dark secret. And just to ensure that no public servant had a rush of blood to the head and started permitting any person to be the arbiter of FOI requests, the Government established a very special, top-level committee. Again, the Government did not feel the need to share this initiative with the public. Until I exposed it recently, it was to remain a deep, dark secret. That committee includes the heads of the Premier's Department and the Attorney-General's Department and, of course, just to make sure that everything runs according to plan, the head of the Cabinet Office. That group has the responsibility of ensuring that no department or agency deviates one millimetre from the Government's edicts on FOI. It would be an interesting exercise to make application for copies of all the minutes of that group under the FOI Act. I challenge the Government to say, here and now, that no impediment would be placed on that application. In fact, if the Government really wants to prove how open and accountable it is, why does it not table those minutes to which I have referred and, while it is about that, also table all the Transport Department documents outlining the establishment and the sad demise of its plan to train regional public servants to handle FOI requests?

This is an obvious double standard. It is hypocritical and it is an appalling act of cover-up. This Government was elected, promising that it would introduce this legislation, so there can be no reason at all why the provisions of judicial review should not extend back to December 1989. Of course, the delay in the proclamation of the legislation has ensured that there will be absolutely no chance of anybody ever having the right to have public servants justify most major decisions that have been taken since this Government came to office. Given the delaying tactics that can be exploited in the legislation, few public service decisions taken in the three years of this Government's life will ever have to be justified before the election. It is just too convenient and too easy for the Government. It can afford to relax with the best of both worlds—a so-called public commitment to judicial review and hardly any chance of any unfortunate disclosures prior to the election. So, despite all the hype and all the propaganda, nobody will ever be able to get anybody to justify all the scorched earth policy decisions that have stripped services from country Queensland, and nobody will ever be able to get anybody to justify all of this Government's dubious appointments which, we are told, have all been made on the basis of merit.

I can only wonder whether the public realises that, inside the public service at this time, there is already a process under way to circumvent the modest demands of FOI and judicial review. I refer to the creation of dummy files which exist only for the purposes of these pieces of legislation and which have been carefully sanitised to remove any material which might be seen to be unfortunate or regrettable from the point of view of the Government or the public service. Public servants now file and create files in the full knowledge that one day somebody might actually get their hands on them. The answer to this potentially explosive situation is to have two sets of files on sensitive matters—the file for FOI and judicial review and, what could be referred to as, the real file which might be in the form of private diary notes that are exempt from prying eyes. Thus, it is easy to envisage that an official file might make a notation to the effect that the Honourable the Minister requested that the subject matter of the file be referred to an interdepartmental committee for further consideration, while the real file would note that the Minister had ordered the whole thing to be buried forever because it was too difficult, too divisive, too expensive, too objectionable politically or just too damned

stupid. The supreme irony is that freedom of information legislation often provides the best and most effective smokescreen to conceal information. Since December 1989, the astute public servant has been operating in the full knowledge of this impending legislation and has acted predictably and safely. Thus, the only files that will come closest to the truth of a matter are those which were compiled by public servants who never imagined that this legislation would have been enacted.

The FOI Bill is also notable for provisions which do not sit easily with the concept of freedom of information. For example, the Fitzgerald commission of inquiry, which began this whole reform process, is specifically and entirely exempt. There will be significant charges for requests, and these are expected to be about $30, plus a copying charge of 50c per page. Given this Government's conversion to the user-pays principle, we can all expect those charges to continue to rise until applications are beyond the purse of ordinary citizens.

Clause 27 (2) (c) gives the power to a Government agency, or Minister, to decide "any charge payable for dealing with the application". Therefore, it is likely that charges for the same right will vary and be determined at the whim of individual Ministers. Clause 19 permits Government agencies to delete exempt material even from policy documents. That must surely be an extraordinary provision. What on earth could be so secretive about a Government policy that it must be exempt from FOI provisions? Possibly a department's policy document could make a nice motherhood statement and have added something to the effect that "this statement is subject to the policies of the Trades and Labor Council or the State Conference of the Labor Party". Then I could understand that this addendum would be exempt and have to be deleted to protect the guilty.

Clause 28 is one provision which I am sure will be used to the very point of exhaustion, because it is the very saviour of public servants, Ministers and the Government. That provision allows a Government agency or Minister to refuse access to an exempt document or matter if—

> ". . . it appears to the agency or Minister dealing with the application that the work involved in dealing with the application would, if carried out -
>
> (1) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions; or
>
> (2) interfere substantially or unreasonably with the performance by the Minister of the Minister's functions . . . "

It is not difficult to imagine public servants going to the Minister and saying that a particular request would just take too long and be too difficult to meet. The Minister might reasonably ask whether a search would uncover any politically damaging material. If the good public servants said "Yes" and the good Minister asked whether or not the material would refer to his Government or previous Governments, what would any reasonable person deduce the Minister's response to be if the risk was to his or her Government? Then, it would be refused under clause 28. But if the damage was to the reputation of a former Government, I am sure that the Minister would order his public servants to press on in the noble cause of freedom of information.

Clause 31 actually allows a Minister to defer providing access to a document for what is called "a reasonable period" on the grounds that the document was prepared for release to the media. Journalists should be aware of and take note of this particularly insidious provision. If one enterprising, investigative journalist suspects that a damaging document exists and makes an application for it with the intention of writing a scoop, a Minister can refuse immediate access under this clause, prepare his or her careful defence and then release the document at a carefully staged media conference. It means that the enterprising, investigative journalist would lose the scoop and the Minister would have the maximum possible opportunity to shape the method of release. I can only wonder what "a reasonable period" is. Presumably it is as long as a piece of string. The word "reasonable" is much favoured by this Bill. As I said, clause 31 allows a Minister to defer providing access to a document for what is called "a reasonable

period" on the grounds that it was prepared for release to the media, following a request from the media for information under the Act.

Under Part 3—Access to Documents—the word "reasonable", or one of its derivatives, occurs time and time again. Under this Part alone I have detected 20 separate uses of the term "reasonable" or one of its derivatives, be it "reasonable", "unreasonable", "reasonably" or "unreasonably". The Bill provides no definition of these terms. That is intolerable for a piece of legislation which is allegedly aimed at providing fair and simple access to information for the public within a definite time frame. Oddly enough, in Part 3, Division 1, proposed section 27 (7), an attempt is made to define the term "appropriate". The term "appropriate" has time limits, but reasonableness—sweet or otherwise—does not. Part 1, Division 3, contains 23 separate definitions, but not one definition of "reasonable" or any of its derivatives. It is futile for the Minister to argue that the term "reasonable", or any of its derivatives, appears in other legislation, including legislation enacted by the National Party Government, because this Bill is supposed to be legislation for the people, not legislation for bureaucrats and lawyers to haggle over. It is supposed to be trailblazing legislation, easily followed and understood by every citizen. It is nothing of the kind, and this brief exposure of just one basic term reveals it to be shoddy at best, and probably deliberately deceptive.

Clause 36 also provides a major basis for exemption. Under the heading "Cabinet matter" a document is exempt just because a Minister decides to submit it to Cabinet. That means, in effect, that if a Minister learns that somebody wants a particularly explosive document, the release of which could lead to his or her own downfall, all the Minister has to do is sign a certificate saying that the document is exempt because it is going to Cabinet for consideration. The Minister does not even have to take the document to the full Cabinet and run the risk of one of his talkative colleagues yapping to the media, because clause 36 also gives the same protection to a document even if it is just going to a Cabinet committee. This clever little ploy means that not only does the person requesting the document never see it but also a good number of the Cabinet do not see it either. That is very useful for this faction-ridden Government. Incompetent Ministers, or Ministers with hopeless departments, should take careful note of clause 36 because, apart from imposing a physical strain on the poor unfortunates who fetch and carry Cabinet bags, it could prove most useful. My tip to the media is to watch out for Ministers who appear before Cabinet with a semitrailer load of documents which they intend to submit. Those in the know will realise that it is good old clause 36 coming to the rescue again. Anything and everything that Ministers want exempt will be trotted off to Cabinet.

Clause 38 allows documents to be exempt if their disclosure could "cause damage to relations between the State and another government". Does this mean that if a frustrated Minister wrote on a document that his Federal counterpart was a miserable, hopeless, incompetent and completely unreasonable person it could be declared exempt? Clause 38 also adds the rider that documents in this category are not exempt if disclosure would, on balance, be in the public interest. In the case of this Government, public interest translates into the factional loyalties of those two particular Ministers.

The Bill has 15 clauses in Division 2 under the heading "Exempt matter". There is no doubt in my mind that, if a Minister decides that something will not be released, it will not be released. Having reached that conclusion, one can only wonder what this legislation does achieve. Put simply, its purpose is to provide the Labor Party with a propaganda weapon in its assault on the high moral ground. The legislation is a fraud. It will not result in any dramatic disclosures about this Government, although we can bet pounds to peanuts that it will be used as the vehicle to scour files to find anything that might even remotely reflect badly on Ministers in former Governments. The way this Government has handled the simple administrative arrangements for the introduction of the legislation provides sufficient proof of its obsession with self-serving secrecy and rigidly centralised control. This legislation, like so much of what this Government produces, is an elaborate con job. However, the Minister is not fooling anyone.

Sitting suspended from 6.05 to 7.30 p.m.

Mr BEATTIE (Brisbane Central) (7.30 p.m.): It is with a great deal of pleasure that I rise to support the freedom of information legislation. In doing so, I have to say that I am one of many people on the Labor side of politics who supports this legislation with great enthusiasm because, as has been pointed out by my colleague the honourable member for Yeronga, this is one of the major things that separates Labor politics from non-Labor politics. I could not agree with him in stronger terms because it demonstrates the openness to which the Labor Party, and indeed this Goss Government, is committed. It is important for the basic rights of individuals that they have access to information which not only gives them an understanding of what has been happening in their area of interest but also the opportunity to defend themselves against information which, because it has been incorrectly recorded, could directly and adversely affect them in their day-to-day lives. I do not intend to cover the points that were made by the honourable member for Yeronga, whom I think more than adequately and very eloquently dealt with the major issues in this debate.

I now want to deal with how the freedom of information legislation will apply to the Criminal Justice Commission because that is relevant to an understanding of how this legislation will operate. As members of the Parliamentary Criminal Justice Committee will be aware, this is a matter that I have raised on a regular basis with the commission because I have been interested to ensure that the commission adopts a positive attitude towards the freedom of information legislation. I need not have bothered because from the beginning the commission has in fact adopted a positive attitude. At page 85 of its annual report tabled in this House for the year ended 1990-91, the commission states—

> "The Commission supported such legislation . . ."

That is a reference to freedom of information legislation. It goes on to state—

> "Contrary to some reports it"—

that is, the CJC—

> "did not seek a blanket exemption from its application. It suggested that it should contain a carefully drafted provision to enable each request to be considered on an individual basis. It was considered that this will be sufficient to protect the confidentiality of information received in its investigations."

From the outset, the commission adopted a positive attitude. In fact, the latest CJC monthly report for May 1992 shows the positive attitude that the commission has adopted towards FOI. Each report is sent not only to the parliamentary committee but also to the Premier, the Leader of the Opposition and the Leader of the Liberal Party. The commission states—

> "Seminars on Freedom of Information have been presented to most other divisions on the implications of FOI for Commission staff.
>
> The Commission was extremely gratified to receive generous praise for its FOI manual"—

which it has developed—

> "from the Attorney-General's FOI unit. It is understood that parts of it will now be incorporated into the general manual for use in the public sector."

In fact, the commission has appointed a particular officer to deal with freedom of information applications to ensure that they are handled smoothly. It will be appreciated that the commission will face difficulties in relation to the provision of certain information. That has not prevented the CJC from adopting a positive attitude—an attitude that is shared by the parliamentary committee—but I suggest that we need to deal with some of the problems.

In the CJC public submission published by EARC in its report of January 1991, we can identify a number of problems which exist in relation to the CJC and which have made necessary provisions such as clause 42 in the Bill, with which I intend to deal in general terms. Point seven in that submission from the CJC as recorded in the EARC report points out some of the problems. It states—

> "People may complain not because they have been personally injured as is the motive in many crimes, but because they are offended by the existence of the activity and its effect on the community. If this prohibited or corrupt activity is to be comprehensively discouraged, the greatest incentives must be made for people to come forward with their complaints. Whilst the alternative of making an anonymous complaint is available, it is obviously advantageous for an investigation to have an identified informant who can be questioned to provide further details about the matter of complaint. Were such complaints and subsequent investigations to be subject to Freedom of Information legislation, the effect, even in combination with 'whistle blowers' legislation may be to discourage disclosures of official misconduct. Further, although 'whistle blowers' legislation may provide for certain protections, in the area of organised crime or large scale corruption the individual may be reassured significantly by the knowledge that the confidentiality of their communication will be preserved by the CJC. For example, such legislation cannot protect an informant from the infliction of serious injury, should his identity be revealed (although it or the ordinary criminal laws may enable the perpetrator to be punished after the event)."

That is the first problem. When there is a complaint process like the one operating at the CJC, in certain circumstances there must be protection for the informant. That has been adequately acknowledged in clause 42. I will come back to that.

Let me identify some other problems. The major division that is affected and needs some protection is in fact the Official Misconduct Division. Point nine on page 3 of the CJC's submission as recorded in that EARC document is as follows—

> "In examining whether there should only be an exemption provided in relation to current investigations or whether all investigations should be made exempt, it is important to realise that the Official Misconduct Division supplies information to both the Research and Coordination Division and to the Intelligence Division. Therefore a completed investigation may still have relevance in an on-going sense to the duties of those other divisions and the disclosure that certain material has come to the notice of the CJC in any form may be counter productive to the on-going assessment of problems facing the judicial system or to the overall assessment of an area of organised criminal activity which is subject to consideration by the Intelligence Division. Obviously this will not be the situation in all cases, however it may be that the very existence of a procedure to distinguish between the two, that is:—this matter is completed and has no further relevance or:—this matter has continuing relevance; may alert people to the fact that something of significance has been discovered and is subject to on-going attention by the CJC."

That is another problem area that was identified by the CJC but, again, that matter was covered adequately in the relevant clause 42. I should put on record the close cooperation between the parliamentary committee, the CJC and the Attorney-General's office and staff in relation to the drafting of those provisions.

I will deal briefly with the Intelligence Division, which is point 14 on page 6 in the CJC submission. Likewise, the Intelligence Division deals with the most difficult area, in that it compiles what might be regarded as soft information on bodies or persons who may have never been convicted of any offence but who may be engaging in an activity that is prohibited. The Intelligence Division has developed guidelines to protect the privacy of the individual and is constrained in its handling and dissemination of the information even within the CJC. However, should such information become freely available, that is, through FOI, for example, it could be extremely detrimental to a citizen to be identified as having been subjected to the intentions of the Intelligence Division, which focuses on organisations or individuals who may be involved in areas of significant misconduct. It would, of course, completely frustrate the aims of such a section if the specific details of areas of its interest were freely available.

It is significant that those aims include reporting to the Minister responsible for the CJC, who is currently the Premier, and the Minister responsible for the police force and

matters of criminal intelligence which are pertinent to the deliberations, policies and projects of the Government. Furthermore, the Intelligence Division is empowered to build up its database of intelligence information concerning criminal activities and persons concerned therein by using information acquired from other agencies, inter alia, the Queensland Police Service and sources of the Commonwealth or any State or Territory of the Commonwealth which supplied such information to it, and so on. The parliamentary committee has spent a great deal of time ensuring that the Intelligence Division operates in an effective way, and it does. Nevertheless, we can understand the sensitivities of releasing information. That is why, again, clause 42 adequately deals with that matter.

A similar problem for the CJC was found in the Witness Protection Division. Points 17 to 19 of that CJC submission reinforce that problem, but I will deal only with point 17, because it illustrates my point. Point 17 states—

> "With Witness Protection it is unlikely that any witness would have faith in a system where information is given to the public concerning persons subject to protection. Such a situation would appear to be contrary to its very reason for being, which is one of the protection of the personal safety of eligible persons. The assurance of confidentiality (ie secrecy) is essential to achieving this aim."

I do not believe that any member of the House would argue with that point. Clearly, that matter needs specific attention and, again, that is covered in clause 42.

Let me make the position of the commission very clear. In point 23 on page 10—or page 105, if one looks at the whole document—the commission says this in summary—

> "It is the submission of this Commission that the balance between the desirable aims of the Freedom of Information legislation and the need for confidentiality concerning certain activities of this Commission can be found not by way of blanket exemption"—

and I stress "not by way of blanket exemption"—

> "but by a carefully drafted provision which enables each request for information to be dealt with on an individual basis. This will permit the security considerations outlined in this submission to be given proper regard."

That is a healthy position, which is adopted by both the parliamentary committee and the CJC. It has brought about a situation in which the CJC has not sought a blanket provision of exemption to freedom of information legislation and has supported the spirit of the legislation.

I will deal in general terms with clause 11 of the Bill, which specifies that the Act does not apply to certain defined bodies. The CJC is not one of those bodies. I am delighted that the CJC is not one of those bodies. It should not be exempt as a body, and no-one has argued that it should. Neither the Criminal Justice Commission nor the Parliamentary Criminal Justice Committee has ever sought the commission to be subject to a blanket exemption, such as that contained in clause 11, from the effects of the freedom of information legislation. The commission regards it as important for its function to be accountable to the people of Queensland and not to attempt to avoid the effects of the legislation. That view is supported by the parliamentary committee.

In response to the issues paper and the FOI Bill, the commission made a submission to the Electoral and Administrative Review Commission. I have referred to that in some detail, and I will summarise that point. In its submission, the commission did not suggest that it should be exempt from the effects of the proposed legislation or from judicial review. However, it submitted that specific exemptions should apply in specific cases. That is what I have sought to highlight and deal with in my contribution.

Mr Hollis: And you did very well, too.

Mr BEATTIE: I accept that interjection. The submission gave a brief overview of the divisions of the CJC, some of which I have dealt with, and the way in which some functions of those divisions would be adversely affected by the proposed legislation. In some cases, the application of the proposed legislation without certain specific

exemptions being introduced would defeat the purpose for which some divisions or sections were established under the Fitzgerald recommendations. However, to avoid that result, certain clauses that are currently included in the Bill and others that will be included by the amendments will exempt certain types of information from the effects of the FOI legislation.

Clause 42, in particular subclause (1), of the Bill specifically provides for and sets out certain exemptions. The clause states—

> "Matter is exempt matter if its disclosure could reasonably be expected to—
>
> (a) prejudice the investigation of a contravention or possible contravention of the law (including revenue law) in a particular case; or
>
> (b) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or
>
> (c) endanger a person's life or physical safety; or
>
> (d) prejudice a person's fair trial or the impartial adjudication of a case; or
>
> (e) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (including revenue law); or
>
> (f) prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or
>
> (g) endanger the security of a building, structure or vehicle; or
>
> (h) prejudice a system or procedure for the protection of persons or property; or
>
> (i) facilitate a person's escape from lawful custody."

In particular, the matters in subclause (2) are just as important. In those circumstances, a matter is not exempt under this subclause if it consists of "a report prepared in the course of a routine law enforcement inspection or investigation by an agency whose functions include that of enforcing the law (other than the criminal law or official misconduct . . .)" That is provided for in the proposed amendments that have been circulated. An amendment will be moved to clause 42. It makes reference to "the law relating to misconduct or official misconduct within the meaning of the Criminal Justice Act 1989". That amendment will be made at page 30, line 7.

Another important point in the proposed amendments is that relating to clause 42, where it is proposed to insert the following—

> "(3A) A reference in this section to a contravention or possible contravention of the law includes a reference to misconduct or official misconduct, or possible misconduct or official misconduct, within the meaning of the Criminal Justice Act 1989."

Again, that was a central point about which the CJC had some concern. All in all, those provisions in the legislation cover the CJC's concerns.

I make the point that these proposed amendments arose out of consultation between the CJC, the Office of the Cabinet, the Parliamentary Counsel, the Parliamentary Committee for Criminal Justice and the Attorney-General's office. These views have been incorporated in what is really a commonsense approach to this legislation. However, I should say that arising out of this legislation there are implications for the CJC in terms of resources. Undoubtedly, following the passage of this legislation, there will be many requests for access to information held by the commission. The commission will have to utilise staff who are currently employed elsewhere within the commission to fulfil this additional role. This will have cost implications and will also have severe consequences for the workload of the existing staff, as no additional resources will be allocated to the commission, or any other body, to cope with the inevitable demand for information. In fact, as I said, a particular officer

has been allocated to do that work. I am not complaining about that, I am simply stating it as a fact. There is a price to be paid for freedom of information. If we are to have an open administration, of course it means a bit more hard work and a bit of cost. But then again, the point is: what cost for democracy?

On the final page of its submission to EARC on 27 August 1990, the commission pointed out what I said before, namely, that there needs to be a balance between the desirable aims of the commission and the need to have a carefully drafted provision to protect those areas which need protection. I say very clearly that that has been achieved in this legislation. The Bill will achieve what Fitzgerald wanted FOI legislation to achieve, but at the same time would enable the confidentiality of individuals being dealt with or dealing with the CJC to be protected. This will have been achieved by balancing competing interests and not by imposing a blanket exemption on all information held by the CJC.

Commissioner Fitzgerald envisaged that the freedom of information legislation would ensure that organisations were accountable. He also envisaged that the CJC would have an effective, ongoing and vital role to play in the reform process in Queensland. I am happy to say to the House tonight that both of those aims have been achieved in this Bill. I congratulate the Minister on that. I also congratulate the Parliamentary Committee for Electoral and Administrative Review on the constructive role that it has played in bringing about this legislation.

I now want to deal with a couple of the proposed amendments relating to schools in my area, and I refer in particular to the Brisbane Grammar School and the Brisbane Girls Grammar School, both of which will be exempt from this legislation. Had they not been exempt, they would have been put in a difficult situation in relation to other non-Government schools. I realise that this is an arguable point, but I think that since grammar schools do charge fees they should be treated the same as all other non-Government schools.

In conclusion—as I said at the outset, it is with a great deal of pride that I participate in this debate tonight. I congratulate the CJC on adopting, in consultation with the parliamentary committee, the Attorney-General and the other relevant consultative bodies, a positive attitude to this legislation. The hallmark of Fitzgerald was accountability, openness and access to information, and that has been achieved.

Time expired.

Mr FITZGERALD (Lockyer) (7.50 p.m.): It is with pleasure that I join the debate on this legislation. I will pre-empt my remarks by correcting some of the statements that have been made by previous speakers who said that this legislation is all as a result of the Goss Labor Government in Queensland. That is not so. The genesis of this reform that is taking place occurred quite some time ago. It may be recalled that on 3 July 1989, Tony Fitzgerald presented his report to the Premier of the day, the Minister for Police and the Speaker. In that report, he recommended the setting up of two commissions—the CJC and EARC. The previous Government—the National Party Government—set up those bodies. That Government also set up an implementation group. The EARC legislation was put through this Parliament by the previous Government. This present Government has continued that process and has now, at long last, started to implement one of the recommendations of the Electoral and Administrative Review Commission. It has already implemented a number of recommendations of that commission. Some of them are now law. But the fact is that the genesis of this legislation goes back to 1989 and to the setting up of the Fitzgerald inquiry, which was quite some time before. We note that Fitzgerald said—

> "The professed aim of such legislation is to give all citizens a general right of access to Government information. Appeals are allowed to an external independent review body when a request for information is refused in whole or in part, or when a person objects to a decision to release information about their affairs, or when the accuracy or completeness of personal information held by Government is disputed by the person it concerns . . .

> The importance of the legislation lies in the principle it espouses, and in its ability to provide information to the public and to Parliament. It has already been used effectively for this purpose in other Parliaments. Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and enemies."

The result was that, when EARC was established, it identified freedom of information as one of the priority issues to be addressed. On 18 May 1990, EARC produced its issues paper on freedom of information. Its report was presented to Parliament on 18 December 1990, just before Christmas time. The Parliamentary Committee for Electoral and Administrative Review realised that freedom of information was a very important issue and that legislation should be implemented. Despite the fact that another year was starting, that committee set about the task of seeking submissions on the EARC report and then duly reported to this Parliament. The committee's report was presented to this Parliament on 18 April 1991. Many submissions were received by the parliamentary committee. It travelled interstate and spoke to ombudsmen and commissioners of information. The parliamentary committee went about its job very diligently and made a report to this Parliament.

The result was that freedom of information legislation was introduced into the Queensland Parliament. The timing is important. The parliamentary committee reported to this Parliament on 18 April 1991. The Government introduced legislation into this Parliament in December 1991. A lengthy period occurred between those two events.

Mr Wells: After adequate consultation.

Mr FITZGERALD: The Attorney states that adequate consultation took place. He well knows that all the principles were identified in the commission's report before the legislation was introduced. The parliamentary committee called for submissions on the recommendations contained in EARC's report. That report was considered. Obviously, a lot of toing and froing took place within Government departments, but that is understandable. People were very concerned, as they had not seen this type of legislation in Queensland. Many fears and concerns were expressed about the legislation. However, I believe that the Attorney had no excuse to delay the introduction of the legislation from that date in April until December, and then delay the legislation further over the Christmas period to allow adequate consultation to take place. The legislation is now being debated in the death throes of this Parliament. I believe that was a deliberate attempt by this Government not to implement one of the foundational recommendations of EARC. Freedom of information was a priority recommendation.

This Government has been negligent. EARC did its job. PEARC also did its job. This Government has failed to do its job. The legislation has floated around at the bottom of the notice paper. Opposition members were aware, from discussions that had taken place and press releases that had been published, that a lot of consultation was taking place. I do not believe that the Attorney needed that length of time to decide whether he would exempt p. and c. associations and grammar schools from the legislation. It is a pretty poor show. I cannot accept that the Government cannot make up its mind on such issues until August 1992, when legislation was introduced in December 1991. I believe that the decision was made only yesterday in caucus——

Mr Beanland: Today.

Mr FITZGERALD: I am informed that it was today. The Attorney claimed that he needed time for adequate consultation. It is quite obvious that members of a caucus have different points of view. That is a normal situation within a caucus. That is the way Government proceeds and is quite normal. The Attorney should not try to tell me that he had to back away and squibbed for so long that he had to tell the press what he intended to do. A report appeared in last Wednesday's *Courier-Mail* which stated that Mr Wells in Cabinet had decided to add parents and citizens associations and grammar schools to the exempt list and to make it clear that churches also fell into that category. Of course they do. I can understand that the Attorney had to make a decision. I will not suggest that the decision was wrong, but the decision had to be made. That is the excuse being used by the Attorney so that this legislation can be passed through its

second and third reading stages in the death throes of this Parliament. The Attorney may shake his head, but unless he can come up with a better excuse than that, the people of Queensland will not believe him. They do not believe him.

Mr Welford: Yes, they do.

Mr FITZGERALD: They do not believe him and they will not believe him. I will not go into much detail about this legislation. However, one area concerns me, and it relates to the Act not applying to certain bodies. I will not name the clause. A number of clauses are included in the legislation that were not recommended by the commission or by the parliamentary committee. However, I understand that this is the process that is followed. It is excellent that the Government has time to consider such recommendations. That exemption list was included in the legislation when it was introduced in December 1991. I realise that the Attorney has slightly enlarged that list by the proposed amendments now being circulated. That is reasonable. I am mystified as to why one of those bodies is included in the exemption list. The body to which I refer is the Litigation Reform Commission, which was established by the Supreme Court of Queensland Act of 1991. I am concerned that the recommendations of EARC do not apply to that body. I want to refer to the separation of powers issue. The Litigation Reform Commission is composed of Supreme Court judges, who are supposed to be separated from Executive Government. The Litigation Reform Commission is established under the Supreme Court Act. Its functions are to report to the Government on certain matters.

Section 75 of the Supreme Court of Queensland Act states—

> "(1) The function of the Commission is to make reports and recommendations with respect to—
>
> (a) the structure of the court system of Queensland; and
>
> (b) court practices and procedures (including the laws of evidence); and
>
> (c) the administration of the courts of Queensland; and
>
> (d) the simplification and modernisation of—
>
> (i) Acts and statutory rules relating to matters mentioned in paragraphs (a), (b) and (c); and
>
> (ii) the common law; and
>
> (e) such other matters are referred to it, from time to time, by the Minister.
>
> (2) A report of the Commission, or a Division of the Commission, may deal with a matter mentioned in subsection (1) (a) to (e) or any aspect of the matter.
>
> (3) The reports of the Commission and Divisions of the Commission are to be made to the Minister or as the Governor in Council otherwise directs."

I will not continue to refer to that section. It states further that from time to time such other matters will be referred to the Minister. I know that the legislation should deal with court-related matters, but to have true separation of powers, one must have a Parliament, an Executive Government, and a court structure. These people who comprise the Litigation Reform Commission are all Supreme Court judges. Surely, in the interests of the separation of powers, the advice from the Litigation Reform Commission should eventually be made available to members of Parliament. I believe that all legislation should go to the Litigation Reform Commission to see how it impinges on other matters of substance. However, I am seriously concerned that a group of Supreme Court judges, who meet under the banner of the Litigation Reform Commission, are exempt from freedom of information legislation. I would like to understand the Minister's rationale for this exemption. This matter was not considered by the parliamentary committee or EARC. I am not saying that for that reason, the Minister should not allow this exemption, but if the Litigation Reform Commission is exempt, I want to know the reasons. To the best of my knowledge, the matter was not raised in submissions to the parliamentary committee or EARC. The Executive Government has inserted that provision in this legislation, presented it to the Parliament,

and asked the Parliament to pass it. The Minister must have reasons for doing this. I would be pleased to hear his reasons in his reply.

Mr Wells: The Litigation Reform Commission?

Mr FITZGERALD: The Litigation Reform Commission. Why is it exempt from freedom of information? This is in relation to clause 11. The Minister can tell me why this is so in his reply.

Mr Wells: It was their request.

Mr FITZGERALD: Is that good enough? I ask the Minister: is that good enough? He says that the provision was included at their request. He has stated that the judges did not want their advice to the Executive Government open to freedom of information? I ask the Minister: is that the way Parliament should operate? Again, I ask the Minister, in his reply, to explain the premise on which this Parliament should accept that those Supreme Court judges, at their own request, should be exempt from freedom of information legislation. Of course, it is ironic that the first President of the Litigation Reform Commission is the person who wrote the Fitzgerald report. I will be interested to hear the Minister's reasons.

Mr Mackenroth: He just forgot to put it in the original report.

Mr FITZGERALD: Mr Fitzgerald did not write the freedom of information legislation, but he espoused the principles of freedom of information. As I serve on the parliamentary committee, I have come under quite a bit of questioning from members of the community. People in local government, and many public servants, are very concerned about the way in which this legislation will work. I am concerned that the spirit of the legislation may not always be adhered to and that sometimes public servants, or council employees, may believe that closed government is the best way to go. The parliamentary committee visited many local authorities in relation to other matters concerning PEARC. Some local authorities were quite open. They said, "Our books are always open. Our meetings are always open. If we cannot give reasons for our decisions, we should be scrutinised. We see no harm in that at all." Other officers are paranoid about it. There is no doubt that some of them believe that they will have to put on an enormous number of extra staff to meet requests for information. I say to them that they should check with other jurisdictions that have freedom of information legislation. The usual practice in those jurisdictions was that people had a desire to find out their own personal information which was contained in files. When that initial rush to know what was written in the files was over, it settled down to a much steadier pace. Therefore, it was not a great impediment to the good administration of a local authority or department. However, the people of Queensland must realise that a cost will be involved. I ask them to consider the benefits that will flow——

Mr Schwarten: I ask you to sit down.

Mr FITZGERALD: My friend has asked me to sit down. He should take the opportunity to sit and listen to me while he can——

Mr Schwarten: Both of us won't be here after the next election.

Mr FITZGERALD: I know that both of us will not be here after the next election. I am very concerned that this Government has decided to proceed with the second and third reading of this Bill at this stage of this Parliament, which is in its death throes. I am concerned that the legislation will not be proclaimed in time for a vigorous exposure of what this Government has been doing over the last two and three-quarter years.

I am also very conscious that the records of the previous Government were there for the present Government to peruse. They could selectively go through letters that were written and files that were compiled. That is what this Government inherited. It says, "What about freedom of information?" We certainly did not have it three years ago. But let us face it: the political party in power now has access to those files. I am not saying that the Government would disclose the information in those files. Its members are people of principle. However, on occasions in this House, I have seen the Premier pull a letter out of a file, wave it around and say, "This was written by so and so

to a Cabinet Minister." We have freedom of information that is only half freedom of information. The Government wants to release information selectively. It has been denying the people of Queensland this legislation.

Mr Wells: Never.

Mr FITZGERALD: The Attorney-General says, "Never." This Government has certainly done that. It has no excuse for not processing this legislation at least six months ago. It could have been introduced in the middle of last year. It could have been put through by Christmas, and working by 5 December 1991—not just introduced into the House. This legislation could have been proclaimed before Christmas last year. But Government members are squibs; they are political pragmatists.

Mr Wells: We improved it.

Mr FITZGERALD: Government members are imprudent. They are pragmatists. If they want to say, "We are political pragmatists. We are not going to do it. We do that for these reasons", for goodness' sake, they should have the hide to say so. They should not sit there mocking, smirking and pretending that they have been clothing themselves in this reform, when they have not adhered to one of the foundation principles of that reform. They are trying to cloak themselves in this legislation. But what have they done? They have daggers behind their cloaks. They should have implemented this legislation a long time ago.

Time expired.

Mr BRISKEY (Redlands) (8.09 p.m.): In common with my esteemed colleagues on this side of the House, I am very pleased and proud to rise in support of this legislation. I have a bit of a problem with comments made by various Opposition speakers who complained about the time that it has taken for this Bill to come before the House for debate. They claim that they support the Fitzgerald process and that they support EARC. But what is that process about? Part of it involves full and open community consultation. That is exactly what happened with this legislation. The Attorney should be applauded for the amount of public consultation involved in the preparation of this Bill for debate this evening. Not only did he consult widely before the Bill was prepared, but also he allowed it to lay on the table of the House so that further consultation could be conducted. Now before the House are some amendments as a result of that full and open public consultation as recommended by Fitzgerald.

In 1982, freedom of information legislation was introduced by the Commonwealth Parliament. Shortly afterwards in 1983, the Victorian Parliament followed suit. It was not until 1989 that the New South Wales Parliament introduced its freedom of information legislation. It has been a part of this Government's policy to introduce freedom of information legislation. With this Bill before the House this evening, Queensland likewise for the first time will have freedom of information legislation. We will thus join with the Commonwealth, Victoria, New South Wales and the Governments of many other countries in enabling people to have access to documents held by Governments and Government agencies, especially those documents that relate to a person's personal affairs. At present, Queenslanders have no right of access to information held relating to their personal affairs. Therefore, they have no way of knowing whether or not information held by Government is correct. If it is not correct, they have no way of amending that information. Access to public documents should be a right of all Queenslanders. This legislation will ensure that right. If we had waited for the previous Government to introduce it——

Mr Foley: Hell would have "freezed" over.

Mr BRISKEY: Exactly. It took Fitzgerald and a new Government in 1989 to see this very important legislation enacted. The democratic process can be enhanced only by enabling the general public to view Government documents. This will ensure that Governments become more accountable, because what they do will be open to scrutiny. At page 371 of his report, Fitzgerald recommended that the Electoral and Administrative Review Commission consider and, if appropriate, make recommendations

for the preparation and enactment of freedom of information legislation. On page 129 of his report, in relation to freedom of information legislation, he stated—

> "Allied to these improvements in administrative laws has been the concept of freedom of information.
>
> Freedom of Information Acts, along the lines of the United States model, have been adopted to grant a general right of access to documents held by Government and Government agencies.
>
> The professed aim of such legislation is to give all citizens a general right of access to Government information. Appeals are allowed to an external independent review body when a request for information is refused in whole or in part, or when a person objects to a decision to release information about their affairs, or when the accuracy or completeness of personal information held by Government is disputed by the person it concerns.
>
> It is true that, where such legislation has been enacted in Australia (the Commonwealth, Victoria and more recently New South Wales) there has been criticism. Government agencies say that answering requests has been costly and disruptive.
>
> Applicants claim that some agencies are obstructive, and that the exemptions are too wide or are abused, and that increasing charges make the cost of requests prohibitive.
>
> The importance of the legislation lies in the principle it espouses, and in its ability to provide information to the public and to Parliament. It has already been used effectively for this purpose in other Parliaments. Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and enemies."

On 18 May 1990, the Electoral and Administrative Review Commission released an issues paper on freedom of information. That paper sought public submissions on whether Queensland should enact freedom of information legislation and, if so, what form that legislation should take. In that issues paper, the Electoral and Administrative Review Commission described freedom of information legislation in a democratic society as follows—

> "FOI legislation normally confers a general right on all members of the public to gain access to Government information, unless the legislation specifically excludes access to the particular information sought.
>
> Where a decision is made to refuse access, a right of appeal to a body independent of the Government is given to enable review of that decision.
>
> FOI is a means of achieving greater accountability and public participation in the decision making of Government. Other means of assisting that process include the enactment of legislation:
>
> (A) establishing a system of external review of Government decisions which may adversely affect a citizen;
>
> (B) ensuring speedy and cost-effective review by the courts of Government decisions which adversely affect a citizen;
>
> (C) setting out the principles to which Government must adhere when making decisions which adversely affect a citizen; and
>
> (D) relating to personal privacy."

The submissions received by the Electoral and Administrative Review Commission as a result of issuing that issues paper overwhelmingly supported the introduction of freedom of information legislation in Queensland. In the Electoral and Administrative Review Commission's report into freedom of information in September 1990, the commission acknowledges the almost unanimous support in the submissions which it received for the introduction of FOI legislation in Queensland.

As I stated earlier, freedom of information legislation is healthy for a democratic society. It will ensure more accountable and open government. In its submission to the issues paper, the Catholic Justice and Peace Commission of the archdiocese of Brisbane stated—

> "For democracy to be government by the people an informed electorate is essential. This can only happen if people are guaranteed access to information of Government—what decisions are made and why they are made."

This legislation is about openness, about removing secrecy from government. FOI legislation ensures that there is open government and it provides members of the public with more information and, further, provides them with access to information. This must lead to greater participation in the processes of government by the general public. The right for the general public to have access to information about the Government that they put into place in Queensland must be acknowledged. Even more so, the rights of the general public to have access to personal information that the Government holds about them must also be acknowledged. The Catholic Justice and Peace Commission of the archdiocese of Brisbane further submitted to the EARC issues paper that "for citizens to believe that the democratic process is just, it must be seen to be just". Fundamental to this is for a citizen to have access to information held by Government about that citizen.

In its report, the Electoral and Administrative Review Commission stated—

> "FOI legislation is crucial if access to information is to be obtained, and thereby participation in the processes, and control of, Government is to be achieved."

The object of this Bill is to extend as far as possible the right of the Queensland community to have access to information held by all levels of Queensland Government. Importantly, if access to information is denied, written notice must be given to the applicant outlining the reasons for refusal of access. The written notice must also inform the applicant of the name and designation of the officer who made the decision and details concerning the rights of review in relation to the decision, including the procedures to be followed for exercising the rights of review and the time within which an application for review must be made. If access to information is refused, then a person has the right to seek an internal review of that decision by a more senior officer than the officer who originally refused access. If after that internal review a person is still unhappy or dissatisfied, that person is then entitled to seek an external review by the Information Commissioner. The functions of the Information Commissioner will be performed by the Parliamentary Commissioner for Administrative Investigations. The Information Commissioner has the power to amend or reverse a decision made by an officer and replace it with a decision that the commissioner believes to be correct.

In its report, the Electoral and Administrative Review Commission recommended that future freedom of information legislation should have an unlimited retrospective operation in respect of documents which contain information about the personal affairs of a person. In respect of all other documents, FOI legislation should have a limited retrospective operation of five years. This Bill goes even further than that recommendation. Not only does it provide for unlimited retrospectivity for access to documents about personal affairs of a person, but it extends this unlimited retrospectivity for access to all non-exempt documents. When a person wishes to obtain access to a document, that person may make a personal application to an agency or the Minister for access to a document. Importantly, an agency or Minister must assist that person to make the application in a way that complies with the relevant section in the Act.

This Government is committed to the Fitzgerald reform process. The introduction of this Freedom of Information Bill is a testament to that. It will ensure that all levels of Government operate in an open, responsible and accountable manner. It will also ensure more public participation in Government in Queensland. It will ensure that the public has a general right of access to all documents except exempted documents and, especially,

the public will have the right of access to documents relating to their personal affairs. If there are errors, the general public will have the right to have those documents amended. As a result of this Bill, Government agencies will also be required to publish information about their structure, and the general public will be able to inspect this document.

An important aspect of this Bill is that it will also apply to local authorities. It will ensure that the decisions made by local authorities will be open to scrutiny, and it will further ensure that we are governed in a responsible and accountable manner. As I stated at the outset, this Bill is all about openness versus secrecy in government. I have much pleasure in supporting the Bill.

Hon. N. J. HARPER (Auburn) (8.24 p.m.): As the member for Lockyer implied, the debate that we are engaging in this evening is yet one more demonstration of the politicisation by this Attorney-General of his office. The member for Lockyer put that point clearly before the House a few moments ago. Let us look at the objects of this Bill. The Bill was introduced to the House on 5 September 1991—just one month short of 12 months ago. It has been 11 months since this Bill was introduced to the House. The member for Lockyer, the member for Roma and others have dealt with that, so I will not deal with it; but it is a demonstration of the point that I have made so many times. This Bill is intended to be—

> "An Act to require information concerning documents held by government to be made available to members of the community, to enable members of the community to obtain access to documents held by government and to enable members of the community to ensure that documents held by government concerning their personal affairs are accurate, complete, up-to-date and not misleading, and for related purposes"

The Opposition supports that intent. The Deputy Leader of the Opposition and Opposition spokesman has indicated that support quite clearly, as have other speakers on this side of the House. That is the intent, but the Bill sets about making qualifications and becomes a hoax. Under the heading "Reasons for enactment of Act", it is indicated that the Bill is—

> ". . . intended to strike a balance between those competing interests by giving members of the community a right of access to information held by government to the greatest extent possible with limited exceptions for the purpose of preventing a prejudicial effect to the public interest of a kind mentioned in subsection (2)."

We on this side of the House acknowledge that there must always be such a balance. As I have stated, the intent of the Bill is supported by the National Party and the Liberal Party. The question which arises is whether this Government is fair dinkum or whether, in common with its Federal counterpart, this Labor Government is perpetrating yet another hoax, saying on the one hand that it believes in freedom of information and then, by sleight of hand, withholding one way or another information which might embarrass it.

Labor members in the Chamber tonight have claimed "all Queenslanders will have a right of access to Government documents" and that "secrecy will be gone". What a joke! Incidents have occurred in the House where members of this Parliament are deprived of the opportunity to debate issues and denied the opportunity or the freedom to bring forward information of real importance to the people of Queensland. I refer to decisions of the House in regard to alleged matters of sub judice. How are we and the people of Queensland able to determine whether the very questionable donation made to the Labor Party—apparently through a member of this House—in any way affects what the Solicitor-General blandly says are criminal proceedings in the Supreme Court of Queensland against particular individuals? How are we to make that determination if there is no freedom of information and if there is no information coming forward from this State's Attorney-General? How are we, the Attorney-General, any other legal adviser such as the Solicitor-General or the Crown Solicitor to know whether debate on the possibility of a legal donation being made to the Labor Party through that member will prejudice the right of persons allegedly charged and waiting for a fair trial.

What the Attorney-General claimed in the House today to be an opinion from the Solicitor-General is, in my view, no such thing. It is a one-page memorandum which gives no detail. It does not of itself canvass the issues. Quite frankly, from the Opposition's point of view it is totally inadequate. If, indeed, there is justification for the sub judice convention to be applied, then we on this side of the House certainly respect the intent of that rule which is indeed to avoid any substantial—and I stress "substantial"—prejudice to pending court proceedings. I think it is worth recalling some of the points made in the report of the Select Committee of Privileges on the sub judice convention tabled in this House on 8 December 1976, which stated—

> "The House has no Standing Order of its own relating either specifically or inferentially to sub judice matters. This lies entirely within the Speaker's discretion, and is subject only to the very broad parameters set by Standing Order No. 333."

That Standing Order is available for members' perusal. The report continued—

> "We consider the Chair's discretion should recognise the paramount right of the House to consider, legislate and act on any matter, being mindful only of the necessity for avoidance of any substantial"—

and I stress, Madam Deputy Speaker, again "substantial"—

> "prejudice to pending Court proceedings.
>
> The only restriction the House should place upon itself is to ensure that it does not so act as to become an alternative forum to the Court, or to permit its proceedings to interfere with the course of justice.
>
> We do not believe that the commencement of either criminal or civil proceedings should by itself thereupon prohibit consideration by the House of any matter.
>
> We consider there should be acceptance, however, that the wide discretion of the Chair in imposing a sub judice ruling might properly be applied at any earlier stage in criminal than in civil proceedings and in jury cases than in those presided over by a judge."

I ask, Madam Deputy Speaker: where are the criminal proceedings to which the Solicitor-General referred in the letter the Attorney-General tabled today? I suggest we have a right to know if this Government, including the Attorney-General, genuinely believes in freedom of information. We have a right to know. It is interesting that the select committee went on to say—

> "We consider that the distinguished judges of the Court of Criminal Appeal would not likely be affected by anything said in Parliament."

I suggest this report is well worth reading. I will quote one other paragraph which relates to the problem of the freedom of information that we as members of the Parliament are experiencing at the present time—

> "Whilst debate may not be allowed on a specific matter clearly involving a matter before the Court, debate should be allowed in a general way and on broad aspects up to the point when it becomes clear to the Chair that a member is seeking to discuss the specific matter before the Court (or an aspect of it) which the Court itself must necessarily examine in coming to a decision on the issue before it."

I suggest that the Attorney-General have a look at that report, because it was based on a very thorough examination relating to the convention of all the democratic Parliaments of the world, but particularly in relation to Westminster, because of the fact that we do not have our own Standing Order relating directly to the convention. That was the position reached by the committee after it conducted what it regarded as an in-depth review of the convention. As I have already said, it did that because this Parliament has no Standing Order of its own relating to that convention.

In criticising the Attorney-General for not providing this House with adequate information in relation to this matter, let me draw attention to a precedent which I set as

Attorney-General in 1984. It is reported at page 1503 and onwards of *Hansard* of 9 February 1984. At that time, I set out reasonable detail to assist the Opposition in appreciating my advice—and it was only advice to the Speaker of the time—that the sub judice convention could well apply to the subject matter. At that time, of course, Keith Wright was Leader of the Opposition in this House. That advice was given and he became aware of the facts. We on this side of the House, today and in the past weeks, have not been afforded a similar opportunity.

There are a number of matters I should like to put on the record of this Parliament before I complete my service to it. They include the shabby treatment still being meted out to both departmental and ministerial staff of the former Government as well as the facts surrounding the furore developed by Labor Party members through untruths and deceits in regard to drought relief during my term as Primary Industries Minister. The former will certainly be helped by this legislation. As a result of this freedom of information legislation, I should hope that the press will have an ability to get to the facts by delving into what this Government has done to public servants over the last three years. However, the intention of this Government is to make sure that does not happen until after the State election. If the Government is genuine and prepared to make available records which I know exist, the facts will certainly come out and the Government will be disgraced for its treatment of the public service. Again, the question is: will it? Or is the legislation just the hoax that I predict that it is?

However, in regard to the drought relief drum-up of the Labor/media coalition of the time—freedom of information will be of no assistance to me, for I have all the facts. At the time, many of those facts and written details were made available to the media. This is some of the nonsense of freedom of information legislation. In the past, the media was deliberately selective. At that time, a Labor/media coalition was in force. No amount of freedom of information legislation would have helped, because those people were not prepared to acknowledge the facts when they were made available to them. That was the case at that time, but the media chose not to acknowledge the truth. I suppose that it was not as newsworthy as the Labor falsehoods that were being peddled by the then Opposition.

The question is: will FOI legislation overcome that attitude, that approach, that lack of media responsibility? The media may have been hampered at the time, because the then Public Accounts Committee that was inquiring into drought relief refused to allow me to appear before it to give verbal evidence and to be cross-examined at will by members of that committee. The committee considered that would be inappropriate. Yet, tonight, we heard the member for Brisbane Central talk about freedom of information giving people an ability to get to the truth, to defend themselves. As I say, the legislation is a hoax; it is a charade. When the Government was in Opposition, it had a poor reputation in that area. At the time, a deliberate and orchestrated manipulation of facts was being carried out by Labor, in particular, being aided and abetted by the media. As I have said, so-called freedom of information would not have assisted in the facts becoming known to the public, because the conspiracy was aimed squarely at discrediting an individual, albeit a Government Minister, and there was no way that the truth was going to be allowed to interfere with that.

Recently, I challenged the Minister for Land Management to accept an amendment to his Valuation of Land Amendment Bill. In the name of open, accountable government, I asked that the arrangements that the Valuer-General is now able to make in a confidential way with client valuers or interested parties—the term “secret deals” may not be entirely appropriate, but it is close to the truth, close to the mark—be recorded in a register kept for that purpose and open for inspection during normal working hours, as are the pecuniary interests of members of this Parliament. The Minister in our open, accountable Goss Labor Government rejected the proposal, eventually suggesting that the freedom of information legislation would cover my concerns. Freedom of information legislation has been a long time coming and still is not intended to be brought in for a long, long time. In any case, it is a poor substitute, but a substitute that may well not be available if the exclusions available to Government through the legislation are used by the Government.

Then we come to the fees and charges. I recall discussion in the Standing Committee of Attorneys-General and in ministerial council meetings when all the pros and cons of FOI were discussed at length. I well recall the concerns of Labor Ministers throughout Australia about the ramifications of what they once thought was a good idea at the time. All of us were incredulous at some of the ramifications, for example, the virtual inability, even at that level, of written notes to be taken—not even minutes, but written notes—because they could become subject to disclosure through freedom of information.

Mr Welford interjected.

Mr HARPER: I am talking about Labor Ministers. They were mainly Labor Ministers. The Tasmanian Minister and I were the only conservative Ministers. The Labor Ministers were concerned, and their concerns were justified. Any sound-thinking person would acknowledge that. I note that the legislation contains numerous exclusions and provisos, as well as stipulated charges, which are to be set out in regulations. The crunch will come when we see what the regulations contain. It may be of interest to consider what has happened at the Federal level.

The bottom line to this Labor Government hoax is the question: what does freedom of information cost and what do we get out of it? That is a quote from Paul Chadwick who in 1987 wrote a paper on how to use the freedom of information laws. Let me afford honourable members the benefit of what Chadwick was quoted as saying on page 185 of the *Canberra Bulletin of Public Administration*. Because I will run out of time if I read those quotations, it would be appropriate to refer members to them. Some of the statements that Chadwick made in his report are well worthy of comment. For the words "Commonwealth Government", one could substitute the words "Queensland Government". He stated—

> "The Commonwealth Government appears to have decided that the best way to prevent FOI being a political nuisance is to price users out of their rights. Having seen the Senate disallow the fee increases proposed by regulations in 1985, the Government tried again and succeeded the next year in amending the Act (as a Budget measure) so as to make FOI so costly that it may lie disused."

As I say, the crunch will come when we see the regulations. Because we will not be allowed to debate the Budget details in any depth and to question ministerial Estimates, we will not be able to get at the truth and the costs of that.

Time expired.

Mr WELFORD (Stafford) (8.44 p.m.): It is a great pleasure to speak in support of the Freedom of Information Bill this evening and to respond to some of the comments made by members of the Opposition and people outside this place. The member for Auburn, Mr Harper, must have been a truly extraordinary Attorney-General. Although he attended all the meetings of the Standing Committee of Attorneys-General, when all the pros and cons of freedom of information were discussed at length, what did he do when he came back to Queensland? He did nothing about freedom of information! It was very interesting to hear the confession drawn out of him this evening that he never really had his heart in freedom of information legislation. The conversion of the National Party in this debate after the prattling that has been going on in recent months about the delays in getting FOI legislation is just a Pauline conversion on the road to Damascus, if ever there was one.

For 32 years, members of the National Party Government hid behind brown paper bags and high lift wells, concealing as best they could the corruption that was endemic in their public service and in their own management. They had barely been cast into Opposition when their leader at that time, Mr Cooper, stood up, as pleased as Punch, in the debate on the Address in Reply and said, "We want FOI." That is just extraordinary. Ever since then, the Opposition's spokespersons who have ventured to address the issue at all have cried with concern about how long it is taking to get there. The road of the reformer is hard in Australia, because no matter what one does, one cannot win.

Mr FitzGerald: We know.

Mr WELFORD: The fox terrier, the member for Lockyer, would have taken a different road tonight if the Government had passed this legislation last year, as he was saying it should have. His road tonight would have been, "You terrible Governments who never consult." All of those people with whom the Attorney-General has been consulting over the last eight or nine months would have run off to the member for Lockyer and he would have strode into this place tonight and said, "What a terrible Attorney-General. You didn't consult." Notwithstanding months and months of EARC's canvassing public opinion on this issue and months and months of deliberation by not only the commission itself but also the parliamentary committee, it was not good enough for the National Party that the Government took a bit of time to get this legislation right. It was never going to be good enough for members of the Opposition. We are not allowed to deliberate on a very important piece of legislation. Members opposite surely do not deny that this is a very important piece of legislation in the history of law reform in Queensland. Surely they would not for one moment deny us the right and the propriety of giving this matter due consideration. That is what we have done. That is all we have done. There has been nothing sinister, nothing secret and nothing clandestine about what the Attorney-General has been doing since this Bill was laid on the table of the House. At any other time, the Opposition would be complaining that the Government was gagging the debate and ramming legislation through the House with undue haste.

Mr FitzGerald: I think you are protesting too much.

Mr WELFORD: No. Tonight, the Opposition conveniently takes the other tack. If ever there were politicians of convenience, it is this cobbled-together mob of malcontents on the opposite side of the House. They draw some comfort from the fact that they are not alone in this bizarre attack upon the Attorney-General for the good law reform he has produced here today. They cannot for one moment concede that the Attorney-General has made a good move. They will come and support the Bill and they will vote in support of it tonight—or at least they will not vote against it—but they will not give credit where credit is due, even after they themselves had more than two decades to do it but never did. Instead, they hid from it for as long as they possibly could until they were eventually thrown into Opposition. Let me be the last to stand here and describe them as hypocrites. I know how easy it is for them to throw that description around this House, as certain members of the Opposition did earlier today.

The fact of the matter is that the Attorney-General has brought to this Parliament today an historic piece of law reform in Queensland which accords to ordinary people rights that they never had under the previous Government. Those rights were introduced by this Government in a way that was the equal, in terms of timing, of just about every other Parliament in Australia. I will cite a few examples. The Commonwealth Freedom of Information Act was brought into effect in 1982, as has been pointed out by other members who have spoken in this debate. It was introduced by the Fraser Government following its first election in 1976. The Fraser Liberal/National Party coalition Federal Government took six years to introduce freedom of information legislation, which was a Whitlam proposal that never got off the drawing board because he was prematurely removed from office. In other States, similar moves have been made to introduce this sort of legislation. For example, the Wran Government, which I think was elected in about 1980, never got around to introducing FOI legislation.

Mr Beanland: 1976 was Wran.

Mr WELFORD: I am sorry, Wran was elected in 1976. He lasted until roughly 1988.

Mr Beanland: 1985-86.

Mr WELFORD: I stand corrected, it was 1986. Ultimately, the Greiner Government introduced its FOI legislation, which came into effect in 1989. That conservative Government in New South Wales took more than three years after its election to introduce it.

Mr FitzGerald: I don't like your logic.

Mr WELFORD: I know that the honourable member does not like it. Notwithstanding the fact that the Opposition has been crying about how long it has taken this Government to introduce the legislation, the fact is that it has been done in record time. In comparison with other State Governments—whether they be Labor or Governments comprised of the Opposition's compatriots—this Government is introducing freedom of information legislation after extensive consultation and still in record time. The Opposition has absolutely nothing to complain about.

This Bill creates a most extraordinary array of rights for ordinary Queenslanders. As Franklin D. Roosevelt stated in 1932—

> "It is the purpose of Government to see that not only are the legitimate interests of the few protected but that the welfare and rights of many are conserved."

In one fell swoop, this new legislation will accord to ordinary Queenslanders—not only to the many but also the legitimate interests of the few—the right to gain access to a large volume of Government information.

In recent months, I have been concerned about the support that members opposite have drawn from certain media and academic commentators. Recently in this House, criticism has been levelled about commentaries from certain academics about this Government's reform program and its rate of progress. It astounds me that people who have a high professional reputation both in this State and nationally could make the types of comments that have been made recently, which are so bounded in extraordinary ignorance. Last week, I heard one academic commentator speaking on Cathy Job's ABC afternoon radio program berating the Government for the delays in the introduction of freedom of information legislation. That person was drawing all sorts of cynical inferences as to why it had not been introduced and, if it was to be introduced, why it was being introduced now.

Mr FitzGerald: What were they?

Mr WELFORD: The same ones as the honourable member for Lockyer parroted in this House this evening. He no doubt made those comments after having received his brief from people who are ordinarily very radical critics of the member for Lockyer and his colleagues. After he received that brief, he came into this Chamber and claimed, "No-one would have believed the Attorney if he had introduced this legislation last year, because he would not have consulted adequately. No-one is going to believe you tonight, Mr Attorney, because you are introducing the legislation just before an election. Terrible! Put it off until after the election." That course could be taken, but it would only serve the interests of the member for Lockyer as much as those of anyone else, because documents which expose the incompetence of the previous Government will be disclosed when the Act takes effect. In the last three years, some mistakes might well have been made by this Government's administration and bureaucrats, but those mistakes will pale into abject insignificance compared to the dynamite that could well be dredged up from the decades of bureaucratic mismanagement practised by the previous Government.

One aspect of the commentary of these academics that concerns me is that they do not seem to have understood that there can be a process after a Bill is tabled in the House. Nothing is necessarily sinister about a process of ongoing review and ongoing public consultation after a Bill has been read a first time. Members opposite and commentators outside this place have frequently called for the Government to lay a Bill on the table of the House and allow it to be debated in the public forum for some time before it is passed by the Parliament. In every respect, the conduct of the Attorney in regard to this most important Bill has been absolutely impeccable. The desperate efforts of Opposition members, academics in the media and born-again, self-appointed political experts who are themselves media operators is really just a veiled and vain attempt to snare this Government for doing things that they know simply cannot be called into question.

Another feature of the Bill that is to be given due credit is the access that it will provide to ordinary people who wish to gain information about themselves. That is the real force of this type of law. Anyone who has dealt with a Government agency would be aware of how the massive bureaucracy is often a difficult and unwieldy machine to negotiate. In the past, ordinary people in the community who required assistance might have referred a matter to their local parliamentarian or, if they were cashed up, they might have consulted their own lawyer. Beyond that, there was really no way that they could, in their own right, access information held by Government about themselves. Under this law, people can not only gain access to that information but also do so at no cost. Notwithstanding that charges apply for information that is not personal in nature, that feature of the Bill which allows people to access any details on files about themselves held by a Government agency is a great step forward, particularly having regard to the fact that they can obtain that information at no cost.

I proffer one final comment before the member for Callide stands up and tries to outdo the previous speaker, the member for Auburn, whom she has just thrown out of the Parliament. I wish to comment on the drafting of the Bill. This is an archetype Bill, and it will be used by lay people. I believe that many advances still need to be made so that Bills such as this are drafted in plain English. This is a good Bill and, by and large, people will understand it. However, I think that improvements can still be made in the plain English drafting of its provisions. Some parts of the Bill are complex and verbose. At some stage in the future, I would like to see this Government take steps to use this Bill as a prototype on which it can experiment with language that is not just clear English—as indeed is included in the current Bill—but plain English which is much simpler for people who are not experts in law to understand. Having commented on those few matters, I support the Bill. I congratulate the Attorney-General on his efforts in consulting with the community. He has given quite extensive consideration to the work undertaken by EARC and its parliamentary committee. He has introduced a Bill which, I believe, will be a model of accountability and openness for future Queensland Governments, that is assuming when and if this Government ever passes from its place, the Opposition does not repeal the legislation.

Mrs McCAULEY (Callide) (9.01 p.m.): That was a rather poor offering. I have to say that I feel that the present Attorney-General is probably one of the most dangerous people who have ever held that position. I came to that conclusion when he had a debate expunged from *Hansard*. At that time, I was in the Strangers Dining Room with some guests. The Attorney-General went running into the House, with his tie askew, to consult the Minister for Education. He then ran back out to the dining room. My guests said to me, "My goodness! Who is that?" I replied, "That would have to be the silliest man in the place." When I saw the Attorney-General sitting, chirping away about comments made by members of the Opposition, it reminded me of the little sparrow that decided that he would not fly south for the winter. Instead, he stayed put. Overnight, it became so cold that he almost died. The next morning, he was huddled on the ground, cold and near to death. A cow came along and dropped a cow pat on him. That cow pat was warm and wet. The warmth started to revive the sparrow. He drank some moisture, and that revived him more. He was feeling good, so he began to sing. A hawk that was passing by came down, plucked him out of the cow manure and ate him up. The moral of that story is that if you are up to your eyebrows in excrement, but you are warm and you are well fed, keep your mouth shut. I believe that that is something that many Government members should learn.

Mr Schwarten: How vulgar and rude!

Mrs McCAULEY: It is not vulgar and it is not rude. It is a little folk tale just for the honourable member. The Opposition supports in principle the Freedom of Information Bill. In fact, I have had my speech prepared since February of this year. However, it is curious to reflect that had the National Party won the last State election, Queensland would have had freedom of information legislation three years ago. That is ironic when one considers that members of the Labor Government label themselves as members of a so-called open Government.

Government members interjected.

Mr Borbidge: Listen to the oncers laugh.

Mrs McCAULEY: Yes. After the election they will not be here, and I will be laughing. The irony goes further when one considers the detail of the Bill. In his second-reading speech, the Attorney-General, Mr Wells, gave a stirring address about information being democratised in Queensland. We were told that this Government would make Government merely the agent of its citizens, keeping no secrets other than those necessary to perform its functions as an agent. I presume that the Attorney-General had someone playing the violin when he said that. When one considers the Bill's list of exemptions from freedom of information, those necessary secrets seem to cover virtually everything except personal information. The Government seems to have incorporated all the exemptions that are contained in other FOI legislation. It has actually tightened up some of them to make it more difficult for the public to get information and, for good measure, it has added a few extras. The legislation contains no fewer than 15 exempt areas of Government information, ranging from matters relating to the economy to matters concerning certain operations of agencies. It is simply music to the ears of the bureaucrats.

For example, the commercial confidentiality exemption was originally intended to protect trade secrets and other market-sensitive information. However, after a Victorian Supreme Court decision, this Government reworded that exemption. It now covers virtually all information given by business to Government. It makes access to information on business dealings with Government a complete joke. Of course, the Government says that if the release of documents in any of these exempt areas can be proved to be in the public interest, it will be allowed. In this respect, Queensland's FOI law will be unique. In the *Age* of 4 January, Margaret Simons, who was part of the Fitzgerald corruption report team, stated—

> "The onus of proving public interest, in its most wide-ranging sense, will fall on the requester. This is a reversal of the position created by all other FOI laws in Australia."

It may be embarrassing to the Attorney-General that other Acts contain a general provision that documents should be released if their disclosure is in the public interest, as well as imposing specific public interest tests on several exemptions. That places the onus on the public servant to prove that public harm may result from disclosure.

Another concern about the legislation is its revolutionary appeal process. The appeals process is vital, because Governments never give up embarrassing information without a fight. Under this legislation, if a request for access to information is denied, one has no recourse to the courts, as one has under other FOI legislation. Instead, one's case will be heard by the Information Commissioner. It cannot be denied that the success of FOI legislation may stand or fall on the selection of the Information Commissioner. As that commissioner is the only recourse for people whose request has been denied, he or she must be genuinely independent. Hopefully, the person who is appointed as commissioner will come from interstate and will not be tarnished by previous links with the State Government.

Who chooses this bastion of free speech, this independent watchdog for the public? Of course, this person is appointed by the Governor in Council on the recommendation of Parliament. In other words, this person is appointed by the Goss Government. Oh dear, oh dear! It seems that Mr Goss now has trouble with the concept of the separation of powers. The PEARC Chairman, Matt Foley, calls the new system informal, speedy and inexpensive. He says also that it is based on the Canadian and New Zealand models and that, therefore, it must be good. This is nothing but an elaborate smokescreen for the fact that independent investigations are leaving a bad taste in the Government's mouth. When members of the Government were in Opposition, they loved independent investigations. In fact, they could not get enough of them. Now that those members are in Government, we have inquiry mania. It is time to stop all this annoying and embarrassing investigation. The first person to wear the muzzle will be the Information Commissioner.

As if generous exemptions and public interest provisions are not enough, the Government has kept a further ace up its sleeve to keep citizens free from information. It is called the conclusive certificate. If ever the Government wants to put a sensitive document in the vault for all time, it can simply slap a conclusive certificate on it, and in law that document is exempt from FOI. It cannot be overturned by the independent watchdog, the Information Commissioner. I would bet that this provision sends shivers up the spine of the former president of the Council for Civil Liberties.

Let me move on to another claim for this Bill—that gaining access to information in Queensland will be the cheapest in Australia. It is true that access to personal records is free. The Government must be commended for that. But when we move into the field of sensitive policy documents, it is a totally different story. The Electoral and Administrative Review Commission recommended—

> "No application fee should be payable, irrespective of the character of the information sought."

With a stroke of the pen, the Government tossed that one out of the window by insisting on an application fee of $30 "where access is sought to a document which does not concern the applicant's personal affairs"—to quote the Attorney-General in this place during his second-reading speech. The question that must be asked is: why? Was it really to discourage trivial and time-wasting requests, or was it to erect another barrier to protect truly sensitive material? Let us think for a moment of the practicalities. If a journalist wants to see a policy document, after paying his application fee of $30 he is hit with a very high 50c a photocopy for every page over 50. Of course, many of those documents run into several hundred pages. Under the Victorian legislation, photocopies are only 20c each. In this economic climate, high fees are a very clever way of rendering FOI legislation useless while maintaining a veneer of open government.

The Victorian experience has given us a few clues as to how the legislation will really work and what the Government may have up its sleeve to ensure that its secrets are protected. Victorians have had FOI since 1978. Today, it ranks with the State Bank of Victoria as one of Melbourne's very bad jokes. High fees, bureaucratic delays and an amendment-happy Government have torpedoed the high ideals. Mark Birrell, the Leader of the Opposition in the Victorian Legislative Council, says that it is now commonplace in Victoria for departments to forget their statutory duty to process FOI requests within 45 days. For five and a half months, the Victorian Health Department misplaced a request by Mr Birrell, forcing him to take up the matter with the Ombudsman, who upheld his complaint. In Victoria, the use of FOI has dropped dramatically in recent years. It seems that, in their search for information, people have simply had a gutful of being blocked by a nervous Government on its last legs. In 1987, the Government even went so far as to introduce regulations that excluded eight Government agencies from the FOI law. When Queensland has it very own VEDC-style fiasco, I wonder how long it will be before the Goss Government does the same. Of course, we must not forget that the Queensland Government is the very same political party that is the Government in Victoria and the Federal Government in Australia. They are all tarred with the same brush.

Dr CLARK (Barron River) (9.11 p.m.): Yesterday in this House, the member for Yeronga gave a spirited and compelling defence of the Government's record of reform. As he so ably demonstrated, individual rights and freedoms have been restored to Queenslanders, electoral laws have laid the gerrymander to rest, and it is once again respectable to be a Queenslander. Accountability is being restored to the process of Government, with an end to the "You don't have to worry about that" arrogance of the Joh era. The Electoral Districts Act, the Peaceful Assembly Act, the Anti-Discrimination Act, the Judicial Review Act, the Equal Opportunity in Public Employment Act, Legislative Standards Act, the Whistleblowers Amendment Act, and the Local Authorities (1991 Elections) Act are just some of the key pieces of legislation underlying the reform process in Queensland. The establishment of EARC, recommended by Tony Fitzgerald, QC, has been the key to many of those reforms. The process whereby EARC, as an independent body, investigates an issue and then reports to Parliament

through the Speaker and the parliamentary committee has provided a mechanism for reform of administrative law in Queensland that has been long overdue, but which happily is now well under way.

I might digress for a moment to note that those critics of the Government's civil liberties record and Fitzgerald reforms play their roles well, that is, they consistently point to more that should be done, while failing to recognise what has been achieved. Admittedly, such behaviour is frustrating for members of the Government. I must say that from my own perspective I do get frustrated at times when I hear the record of this Government on environmental matters being described disparagingly by some of the conservationists. At times, it is sometimes said to me that there is no difference between the Labor Government and the former National Party Government. I am not sure who feels more insulted by that. From listening to the views of the National Party on environmental matters, nobody could seriously suggest that there is no difference.

This Government recognises and accepts that the role of the lobbyist is to lobby—not to agree with the Government or commend its achievements. I have reflected on this for some time. I believe that the membership of lobby groups, whether they be civil libertarians, teachers, Aborigines, conservationists or farmers, would soon diminish and their leaders become discredited if they failed to attack the Government and demand more of whatever it is that they regard as important. I have decided that it will ever be thus and that the mark of a mature, democratic Government is to recognise that fact, accept the right of lobby groups to their point of view, and take it into account along with all other views when formulating policy and legislation.

Freedom of information legislation is central to the administrative reform and has now been the subject of reports by EARC and the parliamentary committee which recommended a draft Bill to Parliament. EARC recognised the fundamental nature of freedom of information legislation when it said in its report—

> "Information is the grist of Government processes. The fairness of decisions and their accuracy, merit and acceptability, ultimately will depend on the effective participation by those who will be affected by them. Further, when access to information is denied to the public it is thereby denied its right to exercise control over Government. FOI legislation is crucial if access to information is to be obtained, and thereby participation in the processes, and control of, Government is to be achieved."

Not surprisingly, FOI legislation always generates controversy whenever and wherever it is introduced. There will always be those in Government who will express concern that matters previously kept secret will no longer be so. Conversely, there will be those outside Government, both individuals and organisations, who will express concern that citizens do not have unrestricted access to every piece of information held by Government. As a member of the EARC parliamentary committee, I have become very well aware of these opposing viewpoints. Such an impasse demonstrates the difficulty in striking the balance between opening up the processes of Government to demonstrate participation and control while keeping secret those matters which might otherwise erode the democratic process itself. In striking the right balance, the question of public interest has been paramount and provided the essential guide to the framing of the Bill before the House.

As a consequence, this legislation will effect a major philosophical and cultural shift in the institutions of Government in Queensland. The assumption that information held by the Government is secret unless there are reasons to the contrary is replaced by the assumption that information held by the Government is available unless there are reasons to the contrary. In practice, the Bill confers three important legal rights in respect of openness of government, which are—

(1) every person has a general right of access to all the documents held by Government agencies, subject to specific exemptions necessary to protect the workings of Government, and business and personal confidences;

(2) if information, which relates to the personal affairs of an individual, contains errors or inaccuracies, that person has the right to seek the amendment of that information; and

(3) Government agencies are required to publish information about their structure and functions, and every person has a right to inspect those publications.

Those rights will apply to local authorities. That aspect of the Bill is a further example of this Government's commitment to openness and accountability. The legislation actually goes further than any other FOI legislation in Australia, because it gives unlimited retrospectivity for access to all non-exempt documents.

To the extent that people are aware of their new rights under FOI legislation, Government can seem more approachable, more accountable, more comprehensible and more understanding. So what are the benefits that this legislation will bring to the ordinary Queenslander? The five significant benefits associated with FOI legislation are—

greater awareness of the role of different Government agencies and increased public participation in the processes of policy making;

an ability to obtain and, if necessary, correct personal information held by Government;

increased Government efficiency;

easier access to information held by Government; and

greater efficiency in Government through improved record-keeping systems, communication and objectivity in dealings between Government and the public.

Those benefits have been documented following the introduction of the Commonwealth and Victorian freedom of information legislation and will now be available to Queenslanders. Paul Chadwick, author of *How To Use FOI Laws*, describes some practical examples of benefits. He cites people having sought Government inspectors' reports of nursing homes before deciding where to settle an ageing relative. He relates that parents have sought school reports about their children's playground accidents. He states also that customers contesting power bills from the State Electricity Commission and phone accounts from Telecom have used FOI. He talks of patients seeking their hospital file or doctors' practice records.

There are three essential components of any FOI legislation that determine how well it will work, which is the bottom line. Those components are: scope of exemptions, cost of obtaining information and appeal mechanisms when access is refused. I will refer again to Paul Chadwick, who observed—

> "Freedom of information laws give everyone a legally enforceable right to know what Government knows. But in Australia, FOI rights are like a treasure which has been put on a pedestal. The pedestal is too high, too smooth to climb, ringed by a wall, a moat and a swamp."

Those words were written in 1985. At that stage, in Queensland there were no FOI treasures to strive for. Whilst the Opposition has been bleating recently about the delay of introducing FOI, honourable members can be quite sure that, if the National Party had ever got around to introducing FOI, it would surely have added some barbed wire and the odd landmine or two to Paul Chadwick's walls, moats and swamps. The National Party certainly would not have made it very easy.

Our legislation will ensure that the FOI treasures on the pedestal are really accessible. Firstly, as to costs—under this legislation there will be no charge to obtain personal documents. The application fee for other documents will be $30 and the photocopying of non-personal documents will cost 50c a page. Those charges make access to documents the cheapest in Australia because, while in other States photocopy charges are cheaper, in the case of the Federal Government, for example, it bills separately for search time, decision-making time, supervision of inspection and internal review. Not only does that make accessing FOI very costly, it is also very

difficult to predict what a person may be charged for, which would act as a further deterrent. Queenslanders will be very well served by the costing of FOI.

In its draft Bill, EARC set out what matters should be exempt from FOI. The current legislation has adopted EARC's proposals in that regard and they are described in Division 2 of the Bill. The principal difference between EARC's recommendations and those of the Bill relate to p. and c. associations, grammar schools and Government-owned enterprises. Government-owned enterprises are exempt so as not to impair their commercial competitiveness, which is vital. That is consistent with approaches in other States, for example, New South Wales, where it was concluded that the costs of FOI would erode profits. It should be noted, however, that this is not a blanket exclusion but rather relates in the case of the QIDC and the Queensland Investment Corporation to their investment functions. It is also generally accepted that in extremely competitive situations clients dealing with financial institutions such as Suncorp are notorious for seeking to maintain confidentiality.

Finally, to be effective, FOI legislation requires an appeal process to an independent body or individual to determine whether the decision to refuse access to information is consistent with the provisions of the legislation. This legislation adopts EARC's recommendations that an office of Information Commissioner be established. It is proposed by the Government that the Information Commissioner be the Parliamentary Commissioner or Ombudsman. Division 4 outlines the external review process to be followed by the Information Commissioner, including the assessment of a Minister's certificate that material should be exempted. In conclusion, I would like to refer to the Attorney-General's second-reading speech, in which he said—

> "The perception that Government is something remote from the citizen and entitled to keep its processes secret will be replaced by the perception that Government is merely the agent of its citizens, keeping no secrets other than those necessary to perform its functions as an agent. Information, which in a modern society is power, is being democratised."

I support the Bill.

Mr FENLON (Greenslopes) (9.21 p.m.): I rise to support the Freedom of Information Bill which was introduced in the Legislative Assembly by the Honourable the Attorney-General, Dean Wells, on 5 December 1991. It is a great pleasure to support the Bill, for it marks yet another significant step in the reform processes which are making Queensland a far more democratic State than it has ever been since its formation. The promotion of openness, accountability and responsibility are the hallmarks of this proposed law. These are basic principles of a free and democratic Government and they are principles which will establish that Queensland has entered a new era of mature and responsible Government with substantial modern safeguards for the people of Queensland. The purpose of the Bill is to extend the right of the community as far as possible to have access to information held by the Queensland Government. The purpose of the Bill is enshrined very clearly because it states that—

> "Parliament recognises that, in a free and democratic society—
>
> (a) the public interest is served by promoting open discussion of public affairs and enhancing government's accountability; and
>
> (b) the community should be kept informed of government's operations, including, in particular, the rules and practices followed by government in its dealings with members of the community; and
>
> (c) members of the community should have access to information held by government in relation to their personal affairs and should be given the ways to ensure that information of that kind is accurate, complete, up-to-date and not misleading."

This is a very significant reform for Government in Queensland because it completely reverses principles relating to the secrecy of government information, and replaces those principles with a completely new approach to openness and the provision of information to the public. In essence, it replaces the ancient principle that "the councils

of the Crown are secret" with an entirely new principle which provides for a legal right of access to Government information by the people of this State. In his second-reading speech, the Attorney-General stated that—

> " . . . this Bill will effect a major philosophical and cultural shift in the institutions of Government in this State. The assumption that information held by Government is secret unless there are reasons to the contrary is to be replaced by the assumption that information held by the Government is available unless there are reasons to the contrary. The perception that Government is something remote from the citizen and entitled to keep its processes secret will be replaced by the perception that Government is merely the agent of its citizens keeping no secrets other than those necessary to perform its functions as an agent. Information, which in a modern society is power, is being democratised."

The principal content of the Bill, therefore, is concentrated upon the creation of balance. It is the creation of balance between the enactment of these general principles that are espoused within the Bill and, on the other hand, the administration of a law in the very diverse circumstances in which government is conducted. It is a balance between these principles and, on the other hand, ensuring that there is no prejudicial effect on the essential public interests or upon the private or business interests of members of the community. It is a balance between the advocacy of these principles and ensuring that the orderly day-to-day conduct of government in the interests of the people of Queensland is not unnecessarily impeded by the invocation of these principles.

This Bill is the direct result of the reform processes which were put in place as a result of the Fitzgerald Report released on 3 July 1989. The Bill is also a direct result of the political platform of the Goss Labor Government. The Fitzgerald report made clear reference to the need for the introduction of new structures and systems within the Queensland Government and the revision of the old ones as foundations for reform. The Electoral and Administrative Review Commission, which was established as a result of the Fitzgerald report, gave significant priority to the freedom of information area. This resulted in an issues paper being published by EARC in May 1990, and after substantial public consultation, the EARC report on freedom of information was presented. After further consultation by the Parliamentary Committee for Electoral and Administrative Review, its final report was tabled in Parliament on 18 April 1991. This final report to the Queensland Parliament contained a draft of the current Bill before the Parliament. This Bill varies from the draft Bill in some respects. The Government then moved promptly to cost and prepare the legislation for presentation to Parliament late last year. The proposed law should now be seen in the context of the relentless march towards reform in Queensland that has been set in place since this Government came to office and which stems directly from the electoral and administrative reform process.

These reforms include many that have already been put into place, such as the whistleblowers protection legislation which now protects public servants who pass on information regarding administrative misconduct. It includes the establishment of a register of pecuniary interests of members of Parliament which ensures that all members of Parliament can now be held to account for any conflict of interest. It includes reform of the local authority and State electoral systems which ensures a one vote, one value system, albeit with some limited electoral weightage in the remote areas of the State. The establishment of a joint electoral roll by negotiation between the Commonwealth Government and the State of Queensland has also been achieved.

Another very important reform which should be seen as the close cousin of this Bill was enacted at the end of 1991. That was the Judicial Review Act which now gives access to citizens to challenge Government decisions in the courts. Freedom of information will enable citizens to have adequate information to make an informed choice about the necessity to proceed or not to proceed with the formal actions that are now possible under the Judicial Review Act. Other major areas of reform that are now in the pipeline between EARC deliberation and Government implementation include: the review of local authority external boundaries; public sector auditing; the Office of the

Parliamentary Counsel; electoral administration, including political donations and public funding; archives legislation; parliamentary committees; activities of ministerial and departmental media units and press secretaries; a law reform commission; and individual rights and freedoms including consideration of a Bill of Rights.

These reforms, which are already in place or in the process of implementation, represent a new era of openness and accountability which the Goss Government has ushered. It is an openness that manifests itself in not only the general laws that apply to all Queenslanders but also the approach to the very local issues such as those that I have dealt with in the Greenslopes electorate. The Attorney-General has been at the forefront of involving the community in the Government's reforms and he has showed this by personally addressing a very well attended meeting of justices of the peace in the Greenslopes electorate last year. On behalf of those justices of the peace who attended the meeting, I would like to take this opportunity of thanking the Attorney-General, Mr Wells, for providing that very fine address to local JPs and giving them the opportunity for questions and comment in relation to the reforms that are now in place for justices of the peace. Many of those present later contacted me and expressed their gratitude for the meeting, as they had never before had the opportunity of hearing about their very important duties directly from the Attorney-General of Queensland.

This Bill will provide for better government in Queensland, because information is the staple food of good government. Information that is available to the electorate at large will make those who are elected more accountable, thus encouraging the highest standards of performance from the representatives of the people. Further, by making information available to citizens, more informed and rational choices can be exercised in relation to everyday political life, whether it be in voting at an election or in raising an issue for public debate. Adequate public access to information will lead to increased public participation in the processes of government. This represents a more difficult method of government for all concerned to manage but it is better government which will inevitably generate better decisions for all concerned.

The Bill will result in better government because it is based on a premise that citizens have the right to have access to documents relating to personal or general affairs and a right to have Government agencies publish information about their structure and functions, the organisation of Government and details of responsibilities and decision-making processes. We can now bid farewell to the dark days of Queensland that were marked by Government secrecy, by a black edifice of arrogance which deliberately excluded citizens from the hidden cliques and decision-making committees. That was indeed the ideal environment within which previous Governments could cultivate ignorance and fear and from behind which corruption could flourish. Those in the Opposition who would oppose this Bill are those who would so readily take Queensland back to those grim days.

That immediate past history of Queensland must be contrasted with the reforms that have been taking place in other States and in the Commonwealth sphere. The establishment of freedom of information legislation is no exception. Indeed, the Commonwealth Parliament enacted freedom of information legislation in 1982, and it has since been followed in this regard by the Parliaments of Victoria, New South Wales, South Australia and the Australian Capital Territory. I am pleased that the Bill contains provisions that are generally consistent with those freedom of information laws that have already been enacted in Australia. It is significant that this Bill goes even further than those laws in opening up the system of government by creating unlimited retrospectivity for access to all non-exempt documents.

I will now address some of the significant aspects of this Freedom of Information Bill. I have already made reference to the Bill necessarily creating a balance between the principles of open disclosure which it sets out to achieve and counterpoising those principles with private and other interests. The Bill is therefore constructed by establishment of these general principles pertaining to rights of access to information and providing limitations to those principles by specifying certain categories of information that are exempt from disclosure. One of the most significant aspects of this

Bill for the people of Queensland is its scope. On the one hand, access would be gained to information not only by citizens but also by companies and unincorporated bodies. On the other hand, the Bill applies not only to State Government departments but also to statutory authorities, local authorities and other Government bodies. This will mean that their rights are also extended; the people of the Greenslopes electorate will have the right of access to information held by the Brisbane City Council. This is of critical importance because of the sheer size of the Brisbane City Council and the extent to which it touches upon the daily lives of citizens.

While outlining the general area to which the access provisions apply, the Bill then specifies various bodies to which it does not apply. These include the Governor, the Legislative Assembly itself, its members and committees and commissions of inquiry in relation to the Parliament. It should be pointed out here that it is the very clear intention of the freedom of information legislation that it apply to the Executive arm of Government rather than to the judiciary or to the Legislature itself. The Executive should indeed be the focus, for it is the arm of Government which impacts upon the rights of citizens and so many areas which affect their daily lives. Other areas which are excluded include the Parliamentary Judges Commission, the Parliamentary Service Commission, the courts and holders of judicial office, the registries and other offices of courts, the Litigation Reform Commission, the Fitzgerald commission of inquiry and other commissions of inquiry. Further, it relates to other documents which may have originated with or been received from the various security organisations in Australia.

There is a further series of organisations which are excluded under this Bill but which are not the subject of recommendation by the Electoral and Administrative Review Commission or its parliamentary committee for exclusion from the operation of the proposed freedom of information law. Those organisations which receive such specific exclusion under the Bill are the Queensland Industry Development Corporation, the Queensland Investment Corporation, the Queensland Treasury Corporation, the wholly owned subsidiaries of the Queensland Treasury Corporation and Suncorp Insurance and Finance. In relation to these exempt organisations, there are specific references to investment and borrowing functions and also to liability and asset management related functions, as well as mention of commercially competitive activities in so far as the Queensland Treasury Corporation is concerned.

I have fully supported the inclusion, within the relevant sections of the Bill, of these financially oriented organisations as agencies of the Government which are exempt from the operation of this Bill. Government-owned enterprises should be at the forefront of their own commercial spheres and they should not be impeded from achieving the highest standards of competitive performance in providing a service to the public and a return on investment to the taxpayer. If such Government-owned enterprises are not able to compete on an equal basis and if they were to be shackled with laws that give commercial competitors a substantial advantage, then it is not worth the Government being in such areas of commercial activity in the first place. It should also be pointed out that the agencies to which this Bill applies include the offices of Ministers of the Crown. The Bill requires all applications for information to be in writing. It also provides for such applications to be transferred to another agency if necessary. At every point in this Bill there are to be found very rigorous requirements for the Government agency to follow very clear procedures and time periods in the consideration of an application for information and its consequent delivery to the individual.

Firstly, there is a requirement for the agency or, as the case may be, the Minister to take all responsible and reasonable steps to ensure that the person applying for the information is notified within 14 days that the application has been received. Secondly, upon receipt of an application, the Government agency must make a decision on the application within 45 days. Sixty days is allowed in relation to information which came into existence more than five years before the commencement of the Bill. If a decision is not made within that time the application is deemed to have been refused. If an application is refused, either in whole or in part, the agency or the Minister is then

required to provide written notice of the decision together with reasons for the decision.

It is also significant that the Bill takes into account the various forms of documents to which citizens may wish to have access. It therefore makes provision for inspection of documents where it is appropriate as well as providing copies of the document or, where material may take the form of sounds or visual images, access may be provided accordingly. When a citizen receives information that has been sought under this Bill and the information relates to that person or to a deceased person to whom the applicant is next of kin, that person may apply to have corrections or amendments made to the information if it is inaccurate, incomplete, out of date or misleading. The cross-checks that are proposed in the system which would be created by this Bill allow both internal and external review of decisions, that is, an internal review of decisions of an agency may be made by a person other than an agency's principal officer or Minister and this must be completed within 14 days.

In addition to the general provisions for excluding certain types of information from the Bill, other more specific matters are detailed as being exempt from the requirement to provide access to information. Those matters include materials that have formed part of the considerations of State Cabinet, committees of the Cabinet and Executive Council. It refers also to matters affecting relations with other Governments and to matters that are the subject of investigations by the parliamentary commissioner and in relation to audits by the Auditor-General.

Complementing the provisions relating to the exclusion of the various commercial agencies of the Government are provisions in the Bill exempting materials, for example, that might prejudice the effectiveness of various tests, examinations, internal audits by an agency or, for example, information that may have an adverse effect on the conduct of industrial relations by an agency. Further, information that might interfere with the deliberative processes of an agency is not to be released. Matters that might prejudice law enforcement or public safety are also exempted. Such instances may, for example, include situations in which a confidential source is required to be maintained in relation to the enforcement or administration of the law or, for instance, if certain information is released that could impair a person's fair trial in court.

Matters are exempt if they relate to the personal affairs of a person, whether living or dead. Matters that relate to the trade secrets and business affairs of an agency or other person are also excluded from the Bill. Matters communicated in confidence are excluded. That, I understand, would overcome the fears that some of my constituents have expressed to the effect that the enactment of the Bill would impede any future provision of confidential references in relation to, for example, applicants for employment. Matters that might have a substantial adverse effect on the ability of the Government to manage the economy of the State are specifically exempt, as are matters which could reasonably be expected to have a substantial adverse effect on the financial and property interests of the State or an agency.

Within the exempt matters, specific mention is also made of the prospect of information being disclosed that may be in contempt of court or of the Parliament itself. It should also be pointed out here that the exempt matters to which I have referred are generally tempered with consideration of the public interest; that is, emphasis is generally given to maintaining that balance between the withholding of such information and the release of it, if it can be established that it is in the public interest. The administration of the Bill upon its enactment is to come under the control of the Information Commissioner.

A clear indication that the Bill sets out to create truly modern laws is contained in a provision for mediation. Under that provision, the commissioner may at any time try to effect a settlement between the participants in any dispute over the provision of information that has reached the stage of enactment of a review. I sincerely hope that that provision is well used. It certainly fits in with the spirit of the Government in encouraging the resolution of disputes before people become involved in unnecessary litigation. If less than honest people were to attempt to misuse the system, information

that may be released under the Bill may potentially have disastrous effects upon the lives of individuals. Under the legislation, various safeguards are in place for that purpose. The Bill is a very fine piece of legislation. It will go a long way towards providing better government in Queensland. The legislation will provide the cheapest freedom of information in Australia and will provide a very fine service to the citizens of Queensland for a very long time in the future. I support the Bill.

Hon. D. M. WELLS (Murrumba—Attorney-General) (9.41 p.m.), in reply: I would like to begin by thanking the honourable members who have taken part in this very important debate. In particular, I thank the honourable members for Yeronga, Mansfield, Brisbane Central, Redlands, Stafford, Barron River and Greenslopes for their very useful and worthwhile contributions. I note that the member for Lockyer, who is in the House at the moment, was a member of the Parliamentary Committee for Electoral and Administrative Review. I thank him and other members of the Parliamentary Electoral and Administrative Review Committee who took part in the debate for their useful contributions and for the sterling work that they did in the preparation of the Bill.

I would like to comment in some more detail on the kind remarks that were made by honourable members opposite about this very important piece of legislation. I would like to refer to them in reverse order of appearance, as that is the order in which they actually think. I was appalled by the approach of the honourable member for Callide. She came into this House and disgraced the party for which she stands by starting out with a scatological joke about some excremental subject. That is the party of conservative values, the party of traditional values, and one of its spokespersons, whom one would have expected to have more tender felicities than that, stood up and made that disgraceful joke. That is not the first time that she has done that sort of thing.

As we are talking about freedom of information, I might mention a little secret. I have relatives who live in the electorate of the member for Callide. When I spoke to them the other day, I asked them how the member for Callide was going. My relatives said that nobody doubts her integrity but that her behaviour is abominable. She goes to meetings and begins her speeches with some rude, scatological or excremental joke. I inquired as to the result of that sort of behaviour in her constituency. One of my relatives said, "I do not know what the result is but, up here, we call her 'Water'." I said, "Why do you call her 'Water'? Is she wishy-washy?" My relative said, "No, she is colourless, odourless and tasteless."

The honourable member for Callide went on to make unreasonable imputations about the honourable member for Yeronga, who happens to be Chairman of the Parliamentary Committee for Electoral and Administrative Review. She made allegations that he was single-handedly responsible for the fact that the Ombudsman was the Information Commissioner and that the legislation contained provisions for conclusive certificates. This she spoke of as if she was uncovering some gigantic and sinister conspiracy, as if the honourable member himself could have single-handedly been responsible for a unanimous recommendation of the EARC parliamentary committee and a unanimous recommendation of EARC itself. What is the honourable member driving at? Is she suggesting that the Ombudsman is in some way not independent? Is she casting some sort of aspersion on the Ombudsman? That is the way it sounds to me.

I do not want to dignify the honourable member for Callide's spurious, vindictive and spiteful little speech with any further commentary of my own, so I will move on to respond to the remarks of the honourable member for Auburn. Those remarks consisted mainly of irrelevant meandering and included a number of excerpts from his memoirs—"A Day in the Life of How I Once Used to be Attorney-General"—which is the favourite speech that the honourable member makes. The point that I would like to emphasise is that his speech was so irrelevant to this debate that I now issue him with a challenge: to rise on any of the clauses, make any of the points that he made in his second-reading speech, and make them fit the clause. I will bet that he cannot.

The honourable member for Lockyer deserves to be taken a little more seriously. He was a member of the EARC parliamentary committee. He made a valuable contribution to that committee. Given that he is a reasonable man, I think I ought to be

able to set his mind at ease with a few well-chosen words. One of his concerns was that he felt that this legislation had taken too long. I do not doubt his commitment to freedom of speech and freedom of information. However it is a bit odd that he should accuse us of taking too long to move. It took his lot 32 years and they did not get to do it. It has taken us much less than that, and we are here doing it now. I want to tell honourable members how much less than that it was. As the honourable member himself said, it was on 18 April 1991 that the EARC parliamentary committee made a recommendation to this House. The Parliament and the Executive arm of Government could not have moved before then. We could not have done anything before 18 April 1991. Within eight months of that date, on 5 December 1991, I introduced a Bill into this House. That was done in less than eight months. That is not bad when it is considered that it had to go through two Cabinet processes and through public consultation to deal with a range of issues before it was presented to the House.

Mr FitzGerald: How long did the process take before that? How many months?

Mr WELLS: You cannot criticise the Government for that; you were doing it, mate! The parliamentary committee had the Bill until 18 April 1991. It is not usual for a Bill to go from go to whoa and then come to this House in much less than six or eight months. It is just not usual for that to happen. When it is a lengthy, complicated Bill and when amendments are being moved out of Senate committees and going into the House of Representatives to which regard has to be had, and to which the honourable member's committee could not have regard because it was all happening after that committee had made its recommendations, what does the honourable member expect us to do? Ignore these things? Just rush in blindly? Perhaps he would like us to do it yesterday without thinking about it. That is not really a terribly good idea. There were only seven to eight months between the committee's delivering the Bill to us and our bringing it into the House.

When I brought it into the House, I said to the people in this place that it was an important Bill; that we were not going to rush it through; that we were going to have extensive consultation about it; and that we were going to leave it lie on the table of the House, as I did just recently with amendments to the Criminal Code. When an important piece of legislation is being dealt with, one does not rush blindly into these things without thinking about it. That is why this legislation took the time that it did—the normal period that it takes to get it from a parliamentary committee into the House. It was not three years or two and a half years, but eight months. After that, there was an extended period of consultation. Fair is fair. The honourable member should not give us a hard time about that. We were doing it properly and we were consulting.

Mr FitzGerald: A lot of the other legislation you did a lot quicker, didn't you?

Mr WELLS: Yes, but it was a lot easier. The honourable member knows very well that it was a lot easier. It was much less complicated legislation. This is one of the most complicated pieces of legislation there is. Nobody knows that better than the honourable member for Lockyer. I want to refer to a couple of his other comments. I point out to him that this legislation is retrospective, anyway. What is the big deal? It is retrospective, anyway.

Mr FitzGerald: No. The point is that it won't be in place before the election.

Mr WELLS: If that was the honourable member's concern, why did he not object in December last year when I said that there would be a long period of consultation about this?

Mr FitzGerald: They were not your words. Get your speech and quote your speech back to us, please. Don't change what you said. *Hansard* recorded what you said.

Mr WELLS: The honourable member did not object in December because at that time he was whining about how we did not consult for long enough.

Mr FitzGerald: I wasn't.

Mr WELLS: He was. It concerned the Anti-Discrimination Bill. We are trying to please the honourable member. I bend over backwards to try to please the honourable members opposite.

Mr Welford: You can never make them happy.

Mr WELLS: I can never make them happy. I would like now to refer to the remarks of the honourable member for Roma. I would like to deal in detail with their substance. Unfortunately, they have none, so there is nothing further to say except that I have never even heard of any of the matters relating to the Transport Department and the alleged conspiracy that he was talking about.

I turn now to the speech of the honourable member for Toowong. In his usual scintillating and witty fashion, the honourable member for Toowong said that he was very concerned about the representation of the Association of Independent Schools and how that association was against the release of information regarding the performance of students from those schools in respect of tertiary entry. The honourable member then went on to say that he thought that that should be an additional exemption from the Freedom of Information Act because he thought that people would get their hands on documents that they would not be able to interpret properly. I am sorry, but freedom of information is all about that. It is all about people making their own interpretations rather than somebody sitting up there in some coward's castle deciding that the broad masses, the morass of hoi polloi, would be incapable——

Opposition members interjected.

Mr WELLS: Members opposite are the ones who make the applications for drought relief, and I have to tell them that their drought is going on for a long time. The association's concern was that the broad masses would not be able to interpret this information as it would wish the broad masses to interpret it. Unfortunately, that is what freedom of information and democracy are all about. This Government intends to allow the masses to make their own interpretations and their own decisions.

In reverse order, I now turn to the comments of the honourable member for Condamine. His contribution was an interesting piece of machinery. He argued that this Bill was not liberal enough and then he argued that the Bill was too liberal and that it would cause difficulties. He said that he was in favour of it, but that he had never introduced it when he was in Government. He claimed that he was all for more exposure of information, but then gave us examples of things that he had declared ought to be secret while he was a Minister. He is capable of entertaining this sort of Hegelian dialectic in his head, but it does not really advance the practical cause of Government in this State. The member for Condamine criticised the cost of administration of this Bill. He claimed that many resources are involved. He said that the Bill would distract public servants from their normal duties and that people would be less frank when writing files. That is all probably true, but so what? That is the price that is paid. Some resources just have to be set aside for a measure such as freedom of information. Sometimes, some hard decisions just have to be taken. The honourable member misunderstood a couple of areas of the Bill. I can reassure him that there is no liability for defamation. If he looks towards the end of the Bill—which is towards the right-hand side—he will see that defamation is excluded. As for businesses—business information is also an exempt category. As to report cards—the honourable member suggested that they should be kept secret. I am afraid that I cannot help the honourable member there. Years ago, as a Minister, he chose to say that something which really ought not to be kept secret should be kept secret. This Government will not uphold that incorrect decision. In a difficult case, he may take some solace from clause 45 and the new clause 51. I recommend those clauses to the honourable member.

I turn now to the position of churches. A number of churches—the Anglican Church, the Catholic Church, the Uniting Church, the Presbyterian Church and the Baptist Family of Churches—lodged submissions which stated that they were concerned that the power to declare a body by regulation to be a public authority could be used to bring the churches under the provisions of freedom of information legislation. Discussions have been held with representatives of the various churches,

but I will go a bit further than simply giving them those reassurances. I state—and I would like honourable members to note—that the sections of the Acts Interpretation Act Amendment Act of 1991 now apply which provide that the remarks made by a Minister during the course of a debate can be had regard to during interpretation of a Bill. I state very clearly that absolutely no intention exists on this side of the House—nor do I expect that there would be any intention on the other side of the House—that this piece of legislation, which does not state that it applies to the churches, would be taken to apply to the churches. No intention exists on this side of the House for churches to be subject to this legislation, either by action——

Mr Beanland: Why don't you specifically exclude them?

Mr WELLS: It is not necessary to do so, and no other State of Australia does so. It will be sufficient if I simply state now that absolutely no intention exists to include churches and no intention to use any regulatory power to include them, or anything of that nature. The separation between church and State is of constitutional importance, and is recognised by all members of the Parliament. It is a constitutional principle in the context of which this debate is now being held. I am advised that it is sufficient for me to spell that out, with the consent of honourable members in this Chamber, to put the minds of the representatives of those churches at rest and to allay their concerns.

As honourable members have stated, this is an important piece of legislation which will change the whole culture of Government in this State. It is a piece of legislation of which every member who votes for it can be proud. The legislation says that the previously operating assumption that information that is held by Government is secret unless there is some overwhelmingly good reason to the contrary is now to be replaced and is to be substituted with the assumption that information held by Government is available unless there is some overwhelmingly good reason to the contrary. That is a sea change. It is a complete turnabout by a Government. It is the most important exercise in accountability that a Government can undertake. Tonight, this Government is taking that step. I understand from honourable members opposite that the step is being taken with the concurrence of all sides of the House. I put it to honourable members that this Bill is a measure of which we can all be proud.

Motion agreed to.

Committee

Clause 1, as read, agreed to.

Clause 2—

Mr BEANLAND (9.58 p.m.): During the second-reading debate, I referred to this clause. I referred to the fact that the major provisions of the Bill do not take effect until three months after the date of assent. It is miraculous that this legislation is to be passed by the Parliament at a time when it will not apply to this Government. In other words, the legislation is being passed at a time which will allow the Premier to call the State election—which I am sure will be called within three months of this legislation receiving assent—so that, consequently, it will not apply to this Government. Of course, the real test is to make the legislation apply to this Government.The Minister has effectively gone around that problem by the insertion of this clause. Despite the pious words which I hear coming from the Minister, and the pious words coming from honourable members on the Government side of the Chamber, who are the apologists for the Keating and Goss Labor Governments, this legislation is not about openness or accountability. I have heard those words over and over again from honourable members on the Government side of the Chamber.

Mr J. H. Sullivan interjected.

Mr BEANLAND: Of course, the honourable member for Glass House would be aware that this legislation will not apply to this Government. He should hang his head in shame. He will be a party to keeping this Government locked up until after the State election.

The Attorney-General has the opportunity to show the proof of the pudding. He should put up or shut up, as they say. He should allow the Government to be subject to this legislation. He should allow this legislation to come into effect immediately the Bill receives royal assent. Parts 3 to 6 are the major parts of the legislation. Consequently, I move the following amendment—

"At page 2, line 10, omit—

'3 months after the date of assent'

and insert—

'on receiving assent'."

That is the way it should be. It should be in line with the rest of the legislation. I want the Attorney-General to take up the challenge. This evening, he has been making all sorts of pronouncements, attacking the independent schools of thought and the suggestions that members have made. Let us see the colour of the money. Let us see the real intention of this Government. Let us hear the Attorney-General say that the legislation will apply upon royal assent and not after the State election.

Mr WELLS: The legislation will apply upon royal assent. Parts 1 and 2 will apply immediately royal assent occurs. The remainder of the legislation will apply within three months. The honourable member states that the test is to make the legislation apply to this Government. As the Leader of the Opposition states, after the election—which he is expecting to lose—the legislation will apply to this Government, as the Opposition will not be forming a Government. Whether or not royal assent comes before or after the election, the legislation will apply to this Government.

The honourable member assumes that the election will be held on a particular date. Although I understand that he reads the newspapers, watches television and so forth, I do not believe that the administration of the Attorney-General's Department can run on his assumptions. We are dealing with a process. A recommendation was made by EARC, which was unanimously supported by the Opposition, and the public service has been working on the assumption that three months after this debate the legislation will come into effect. The policy and procedures manual is being drafted but final editing is held up pending the final outcome of this legislation, that is to say, the particular provisions, amendments and so forth that will be contained in it. The manual will be the reference point by which all decision making will be based. That manual will not be ready for several more weeks.

Decision-makers have been given initial training, but final intensive workshops using dummy runs of requests have been planned for the next couple of weeks. All departments and authorities have planned their administrative systems on the premise that the Bill will take effect three months after royal assent and, therefore, they are not yet administratively prepared to handle the FOI requests.

Mr FitzGerald: You'll have royal assent in a couple of weeks.

Mr WELLS: They have been assuming that. Opposition members have never raised any reason to the contrary. Recommendations in respect of application fees, guidelines for the authorities referred to in clause 9 (1) (c) and other administrative matters have yet to be drafted. Departments and authorities have not yet received the regulations. An extensive public information campaign has been planned to let the public know in some detail about the rights conferred on them by FOI legislation. That campaign has not yet commenced because of the belief in the public service that a

three-month period would be available. Therefore, I am not in a position to accept the amendment moved by the honourable member opposite. However, as members of the parliamentary committee and members of this Parliament should know because of the report that they have received, the three-month period that the Government has allowed is a short period. The Commonwealth legislation had a 12-month period. Consequently, this Government went for a much shorter period. I am sorry, but I cannot accept the amendment.

Mr LITTLEPROUD: The National Party supports the stance taken by the Liberal Party, and it will support the amendment. I take exception to the fact that when the Minister was responding to the second-reading debate on the Bill, he made the comment that there was going to be long consultation. During his second-reading speech, the Minister stated—

> "The Government acknowledges the need for informed debate on this Bill. Accordingly, it has been decided that the Freedom of Information Bill will lie on the table of this House over the December/January period."

Clearly, there was an intention that when Parliament resumed in 1992, this piece of legislation would be debated and passed. For the Attorney-General to say that there is no time to put in place the regulations and that departmental staff are not ready is a load of hogwash. They were all ready in January or February.

Mr Borbidge: By his own words.

Mr LITTLEPROUD: Everything was ready to go. The Attorney-General comes up with lame excuses as to why things are not possible. If the Attorney-General had lived by the spirit of this piece of legislation, it would have been possible. If the people on the Government side of the House were true to the spirit of freedom of information, they would agree with the Liberal spokesman's amendment and would adopt the legislation immediately after royal assent is granted. If Government members are going to be embarrassed, they can blame their Attorney-General and Cabinet colleagues who, for their own political reasons, want to hide things and keep things away from the public of Queensland. They have inserted a clause and left the legislation open for another three months. This is the Government's chance to show its commitment by supporting the Liberal Party's amendment. The Opposition is supporting it.

Mr BEANLAND: At the outset, let me say how disappointed I am that the Attorney is not accepting this amendment. That shows how hollow his words really are. He says that the legislation will take effect after it receives royal assent. But the major sections of the legislation are Parts 3, 4, 5 and 6. Part 3 covers all aspects of access to documents. Part 4 covers amendment of information and outlines a whole range of important aspects. Part 5 relates to external review of decisions, and Part 6 relates to miscellaneous items. It is quite clear that this legislation cannot really apply until those Parts 3, 4, 5 and 6 receive royal assent and come into existence. Whilst this clause remains, they cannot come into existence until three months after the date of royal assent.

The Attorney says that the public servants are not ready for this legislation, because he has told them that there will be three months after the Bill receives royal assent for them to get ready for this legislation. That might be the view of the Attorney and the Government, but it is certainly not the view of members on this side of the Chamber. The Attorney has three months by three. It is nine months since this legislation was introduced. How many more sets of three months does the Attorney

want? Another set would certainly get the Government through the election period, and that is the crux of this whole issue: getting past the election period, so that this legislation does not apply to the term of this Government and it cannot be embarrassed—as it would be—during the election campaign. It is a wonder that the Government did not give itself another couple of sets of three months. The Attorney spoke about another Government taking 12 months to pass a particular piece of legislation. This Government will take 12 months or probably longer with this legislation.

Clearly, this shows how hollow are the words of the Attorney and the Labor Government in this matter. If the Government was sincere, this Bill would have come into force. As I said, it is now nine months since the Bill was first introduced into the House. The Government and the public service have had plenty of time to prepare for this legislation to come into force. It goes to show how hollow were the Premier's words. If the Attorney and the Government were serious, this legislation would come into force immediately it passes through the Parliament and receives royal assent.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 48		NOES, 31	
Ardill	Mackenroth	Beanland	Stephan
Barber	McElligott	Booth	Turner
Beattie	McGrady	Borbidge	Veivers
Bird	McLean	Connor	Watson
Braddy	Milliner	Coomber	
Bredhauer	Nunn	Dunworth	
Briskey	Pearce	Elliott	
Campbell	Power	FitzGerald	
Casey	Robson	Gilmore	
Clark	Schwarten	Goss J. N.	
Comben	Smith	Gunn	
Davies	Smyth	Harper	
De Lacy	Spence	Hobbs	
Dollin	Sullivan J. H.	Horan	
Eaton	Sullivan T. B.	Johnson	
Edmond	Szczerbanik	Katter	
Elder	Vaughan	Lester	
Fenlon	Warner	Lingard	
Flynn	Welford	Littleproud	
Foley	Wells	McCauley	
Goss W. K.	Woodgate	Perrett	
Hamill		Santoro	
Hayward	*Tellers:*	Sheldon	*Tellers:*
Hollis	Pitt	Slack	Neal
Livingstone	Prest	Springborg	Quinn

Resolved in the affirmative.

The CHAIRMAN: Order! I remind honourable members that, for any further divisions, the bells will be rung for only two minutes.

Mr BEANLAND: I again appeal to the Attorney-General and to the Government, because I notice that the Premier is now present. Perhaps he has given the Attorney new riding instructions on this important clause. I have already pointed out to the Committee that the Government and the public service have had nine months since the legislation was introduced, which is three times the three months mentioned in the clause. It will be 12 months before the legislation applies, which will obviously be after the next State election. Why include the clause in the legislation at this time? It is a very clever operation to ensure that it will not apply to the Government prior to the election. I am interested to hear whether the Attorney has new riding instructions and whether he is

going to do the honourable and decent thing in relation to this freedom of information legislation and throw out this clause.

Question—That clause 2, as read, stand part of the Bill—put; and the Committee divided—

AYES, 48		NOES, 30	
Ardill	Mackenroth	Beanland	Turner
Barber	McElligott	Booth	Veivers
Beattie	McGrady	Borbidge	Watson
Bird	McLean	Connor	
Braddy	Milliner	Coomber	
Bredhauer	Nunn	Dunworth	
Briskey	Pearce	Elliott	
Campbell	Power	FitzGerald	
Casey	Robson	Gilmore	
Clark	Schwarten	Goss J. N.	
Comben	Smith	Gunn	
Davies	Smyth	Harper	
De Lacy	Spence	Hobbs	
Dollin	Sullivan J. H.	Horan	
Eaton	Sullivan T. B.	Johnson	
Edmond	Szczerbanik	Lester	
Elder	Vaughan	Lingard	
Fenlon	Warner	Littleproud	
Flynn	Welford	McCauley	
Foley	Wells	Perrett	
Goss W. K.	Woodgate	Santoro	
Hamill		Sheldon	
Hayward	*Tellers:*	Slack	*Tellers:*
Hollis	Prest	Springborg	Neal
Livingstone	Pitt	Stephan	Quinn

Resolved in the affirmative.

Clauses 3 to 7, as read, agreed to.

Clause 8—

Mr WELLS (10.24 p.m.): I move the following amendment—

"At page 7, line 6—

omit 'body', *insert* 'agency'."

This is a technical amendment which will have the effect of ensuring that subclause (2) refers to subclause (1).

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10, as read, agreed to.

Clause 11—

Mr FITZGERALD (10.25 p.m.): During the second-reading debate, I referred to clause 11, in particular to the part that states that this Bill does not apply to the Litigation Reform Commission established by the Supreme Court of Queensland Act 1991. I asked the Minister the reason for that exemption, because it was not included in the recommendation from EARC or from PEARC. It has been put in by the Government. The Minister explained that the commission had requested the exemption. I reiterate: what reason did the Litigation Reform Commission give for requiring exemption? I make the point again that there is such a thing as the doctrine of the separation of powers. If the Supreme Court judges, acting as the Litigation Reform Commission, have advised the Executive Government of matters that have been referred to it under the Supreme Court of Queensland Act, I believe that all members of this Chamber should know what those recommendations to Cabinet were. It is most improper, I believe, for Supreme Court judges to have a close relationship with the Executive Government. People often talk about the separation of powers. Under the Westminster system, the separation of

powers is difficult. Those who talk about the separation of powers generally talk about a French theory, for the separation of powers is difficult under our system because we have the Executive Government being members of the Parliament. It is even more complex having the judiciary, which normally has to be separated, advising the Executive Government of matters to which it has been referred.

I refer to the Minister's answer in which he said that the commissioners had asked to be exempted. My question is: how many other bodies asked to be exempted? Did the Minister automatically give those bodies the right of exemption just because they asked for it? Somebody must have a reason to ask for an exemption. What was the reason why the Litigation Reform Commission wanted to have its recommendations to the Executive Government exempted from the FOI? The Minister should give us a reasonable reply—something which he failed to do in the second-reading debate. In my earlier speech I said that the author of the Fitzgerald report spoke about freedom and the necessity to have freedom of information. At the time, the author of that report was the chairperson of the Litigation Reform Commission. It is quite ironic that that person then asked for an exemption, and the Minister was unable to give us a reason why that wish was granted. I repeat my question: did any other bodies ask for exemptions and were they all granted or not?

Mr HARPER: I take some pleasure in accepting the Attorney-General's challenge. I notice that the Bill, in clause 11, does not apply in particular to members of the Legislative Assembly. I agree that it should not. I would like the Attorney-General to tell the Committee under what provisions in the legislation—unless it is under clause 11 (1) (b)—he intends not to make available to the Parliament documents that are given to him by his senior officers. I appreciate that later in the Bill, under other clauses, there are exemptions for Cabinet documents, but the documents to which I am referring are documents which the Opposition believes should properly be available to it. In rising to accept the Attorney's challenge, I point out that this is particularly relevant to the principal point that I made in my speech during the second-reading debate.

Mr WELLS: May I respond firstly to the point of the honourable member for Lockyer. The Litigation Reform Commission requested the provision. The irony rests not with the Litigation Reform Commission or the former chairman thereof but with the Opposition. It was the National Party that said it was going to accept Fitzgerald's recommendations lock, stock and barrel when he was only a QC. Now that he is President of the permanent Court of Appeal it begins to doubt his word—oh ye of little faith. Of course there are good reasons why the Litigation Reform Commission should be exempted.

Mr Stephan: Tell us what they are.

Mr WELLS: Well, under section 75, I think it is, of the Supreme Court Act of 1991, the Litigation Reform Commission is required to be consulted in respect of all pieces of legislation that have a bearing on the efficient functioning of the courts, and the processes and procedures thereof. That means that the Litigation Reform Commission is often going to have to be commenting on embryonic proposals before they go to Cabinet. In those circumstances, a political party in receipt of those documents might very well make its own position conform to that of the Litigation Reform Commission or against that of the Litigation Reform Commission deliberately in order to involve the Litigation Reform Commission in its party political stance. As a result of that, the position of the Litigation Reform Commission, which is composed of judges, might very well be compromised, so those sorts of things have to happen. When one is dealing with a body that is composed of judges, for the reasons that the member for Lockyer pointed out, one has to deal with them very sensitively. That is the answer. I would like to move an amendment.

Mr FitzGerald: I would like to move an amendment before yours.

Mr WELLS: All right.

Mr FITZGERALD: I understand that an amendment will be moved by the member for Condamine. It is normal practice under legislation for the courts to have regulations, sitting dates, rules of court all tabled in the House. It is the normal practice that there is that separation of powers so that the Parliament knows exactly what the agreed terms and recommendations are, and they are tabled in the House for all the world to see. This is a different issue altogether. The Minister may have been able to squirm out of it had he been able to refer to the fact that Cabinet's deliberations are exempt—he knows they are. I do not believe it is right that the judiciary should be secretly advising the Executive Government. If it is necessary, and the Government can come up with a scheme under which it may be necessary in the short term, that advice must go on the public record. Section 75 (1) (e) of the Supreme Court Act of 1991 states—

> "The function of the Commission is to make reports and recommendations with respect to—
>
> . . .
>
> (e) such other matters are referred to it, from time to time, by the Minister."

I raised that issue in the debate at the time. In private discussions, I have been informed that the judges certainly would not answer questions about frivolous matters or matters of a political nature. I asked why on earth did they have such a wide ranging function in this piece of legislation and I was advised that it sometimes appears in other legislation. I restate my position that it is a bad principle for judges to be advising the Executive arm of Government in secret, with that advice never to be revealed. That is contrary to this legislation, and I for one am very much opposed to that.

Mr HARPER: In support of the argument put forward by the honourable member for Lockyer, I want to refresh the Attorney-General's mind about his squealing and the claims he made in regard to the Law Reform Commission when he came into office. The Attorney will recall very well that he complained that the previous Government had received from the Law Reform Commission advice which had never been made public. He condemned that practice. He said that advice given to the Government by the Law Reform Commission should have been made available to everyone—to the public generally—and that it should have been tabled in the Parliament. Now we see a queer twist, a quirk introduced by the Attorney. I just wonder how the Attorney can reconcile what he said when he came into office in regard to the Law Reform Commission and the advice that it gave to the Government then and what he says now in answer to the honourable member for Lockyer that the Litigation Reform Commission must be treated quite differently from the way in which the Law Reform Commission's advice to the Government should have been treated.

Mr WELLS: As a matter of fact, the Law Reform Commission did request an exemption and the decision of the Government was to deny the request. The situation with the Litigation Reform Commission is different. I do not know what I can do to please the honourable member on this point. If he still holds the view that he holds after I said what I said before, I do not know that I can take it any further. I suppose that I can say to the honourable member that I will raise the matter of his views with the commission and let him know what the commission says.

Mr FitzGerald: We can easily drop it out now. If we can be convinced, we can put it in by way of a simple amendment.

Mr WELLS: Why do we not do it the other way round? Why do we not leave the provision in the Bill and say that, subject to all those other things, if we decide to change our minds, we will do that? I move the following amendment—

"At page 9, after line 30—

after subclause (1)(o), *insert*—

'; or

(p) the Health Rights Commissioner, or a person appointed as a conciliator under section 75 of *Health Rights Commission Act 1991*, in relation to the conciliation of health service complaints under Part 6 of that Act; or

(q) an agency, part of an agency or function of an agency prescribed by regulation for the purposes of this paragraph'."

The CHAIRMAN: Order! I call the member for Condamine.

Mr LITTLEPROUD: I have listened to the argument put forward by the member for Lockyer and the member for Auburn, and I have listened carefully to the response from the Attorney-General. I still wish to move an amendment.

The CHAIRMAN: Order! I will now put the Attorney's amendment.

Amendment agreed to.

Mr LITTLEPROUD: I move the following amendment—

"At page 9, omit lines 8 and 9."

Mr BEANLAND: I rise in support of the amendment moved by the honourable member for Condamine. I have listened to the Attorney's words, or perhaps it should be termed a performance, because his words were certainly lacking in substance. I would have expected to be given some worthwhile reasons why the provision is in the Bill. That has not been done before. The amendment that was moved by the member for Condamine is reasonable. When the Attorney was a member of the Opposition, I heard him talk constantly about the separation of powers as though he founded it. Yet, when the first test is applied, guess who is found wanting—the Attorney and the Government as a whole. There can be no legitimate reasons for exempting the Litigation Reform Commission. In the context of the separation of powers and all that goes with it, the Litigation Reform Commission should be included. It is not a matter of confidentiality, national security or personal affairs. It is a fairly straightforward matter. Once again, if the Attorney-General fails to accept the amendment to the legislation, he and the Government will be found wanting.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 46		NOES, 28	
Ardill	Mackenroth	Beanland	Veivers
Barber	McElligott	Booth	Watson
Beattie	McGrady	Borbidge	
Bird	McLean	Connor	
Braddy	Milliner	Coomber	
Bredhauer	Nunn	Dunworth	
Briskey	Pearce	Elliott	
Campbell	Power	FitzGerald	
Casey	Robson	Gilmore	
Clark	Schwarten	Gunn	
Comben	Smith	Harper	
Davies	Smyth	Hobbs	
De Lacy	Sullivan J. H.	Horan	
Dollin	Sullivan T. B.	Johnson	
Eaton	Szczerbanik	Lingard	
Edmond	Vaughan	Littleproud	
Elder	Warner	McCauley	
Fenlon	Welford	Perrett	
Flynn	Wells	Santoro	
Foley	Woodgate	Sheldon	
Hamill		Slack	
Hayward	*Tellers:*	Springborg	*Tellers:*
Hollis	Prest	Stephan	Neal
Livingstone	Pitt	Turner	Quinn

Resolved in the affirmative.

Clause 11, as amended, agreed to.

Clauses 12 to 22, as read, agreed to.

Clause 23—

Mr WELLS (10.45 p.m.): I move the following amendment—

"At page 15, line 10—

omit 'is not',

insert 'was not, immediately before being placed in that custody,'."

Mr BEANLAND: Mr Chairman, here at the back of the Chamber I could not hear the Attorney's amendment.

The CHAIRMAN: Order!

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 28, as read, agreed to.

Clause 29—

Mr HARPER (10.46 p.m.): Again, I will respond to the Attorney's invitation. Part of the substance of the proposition that I put to the House during the second-reading debate related to the question of charges and what has happened in the Federal sphere in relation to matters that are sought by the media and by people who are not seeking information about themselves. I indicated that Chadwick said in a Canberra publication that the Federal Government had taken advantage of the cost factor to effectively deprive people of the opportunity to obtain information which was intended originally to be covered by the Federal freedom of information legislation.

Clause 29 (3) (c) provides that "a charge may be made for the reasonable costs incurred by an agency". I am not aware that the word "reasonable" is defined in the Bill. It is a matter of interpretation. That charge may be made by the agency for reasonable costs incurred in supplying copies of documents, in making arrangements for hearing or viewing documents of a kind mentioned in the subclauses referred to, and in providing a

written transcript of the words recorded or contained in documents or in providing a written document under clause 30 (1) (e).

Clause 29 (5) provides—

> "If in an agency's opinion a charge might be more than $25 or such greater amount as is prescribed, the agency must notify the applicant of its opinion and ask whether the applicant wishes to proceed with the application."

That subclause provides an opportunity for the agency to effectively cause an applicant to baulk. The agency has the capacity to suggest to the applicant that the charge is going to be quite excessive.

Clause 29 (7) states—

> "An agency may, in a notice given to an applicant under subsection (5), require the applicant to pay a deposit of a prescribed amount, or at a prescribed rate, on account of the charge."

I guess that when we eventually see the regulations we will be more aware of what is intended. However, all of these provisions will apply to any Government, regardless of its political persuasion. Irrespective of what the Attorney-General thinks, sooner or later this Government will be changed and another Government will replace it. I suggest that it will be sooner rather than later. However, the fact is that these provisions will give any Government—including this one—the capacity to follow the example set by the Federal Government. According to all who have had cause to use it in a professional manner, in some cases they are being deprived and, in others, if they wish to pursue and seek the information that they require, some astronomical charges are incurred. Might I say that, despite that fact, it results in a cost to the taxpayers of Australia of in the order of $9m. There is a permanent staff approaching 100 people as well as many part-time staff. However, the fact is that these provisions in the Bill give this Government, or any succeeding Government, the same capacity as the Federal Government has.

In his reply to the second-reading debate, the Attorney-General suggested—and I would be disappointed if he did not make some of the comments that he does—that there was no substance in the remarks that I had made. As I say again, this is another area which was of particular concern to me and to which I referred in my contribution to the debate during the second-reading stage. It is of concern to people such as Chadwick. Publications have made it very clear that the media in particular have great difficulty with these provisions. I guess that I cannot ask the Attorney to give a meaningful response. However, I do draw his attention to the fact that there is real cause for concern—if not immediately, then at some time in the future.

Mr LITTLEPROUD: I would like to support the comments made by the member for Auburn. In my discussions with members of local authorities, I have been told of their concerns about the expense that they will incur in following up some of the requests that will be made of them. From my own experience of people asking Ministers for information and also asking various Government departments for information, I have a fair understanding of why this clause is couched in the way that it is.

Nevertheless, the member for Auburn is quite correct in saying that, having made provision to make sure that costs can be recovered so that the public is not paying for some individuals who are quite unreal in their requests, there is the risk that this can be used as a stopper to make people baulk. I refer to subclause (2), which states that an applicant applying for access to a document that does not concern the applicant's personal affairs may be required by regulation to pay an application fee. I give notice that when the regulations are released, the Opposition will be studying them very closely to ensure that what it believes is a fair level of charges is applied—nothing excessive. The Opposition gives notice here and now that if it thinks that the level of charges is excessive, it will move to disallow the regulations.

Mr WELLS: The member for Auburn's concerns should be palliated considerably by the explanation that the term "reasonable" has its normal common law meaning, with which he would be familiar. Consequently, the problems envisaged by him do not arise to the extent that he thinks they do.

Clause 29, as read, agreed to.

Clauses 30 to 32, as read, agreed to.

Clause 33—

Mr WELLS (10.53 p.m.): I move the following amendments—

"At page 23, line 29—

after 'agencies', *insert* 'and Ministers'.

At page 24, after line 8—

after subclause (2), *insert*—

'(3) An application for access to an official document of a Minister may be dealt with by such person as the Minister directs, either generally or in a particular case.'."

Amendments agreed to.

Clause 33, as amended, agreed to.

Clauses 34 and 35, as read, agreed to.

Clause 36—

Mr WELLS (10.53 p.m.): I move the following amendment—

"At page 26, lines 9 to 10—

omit subclause (1)(c), *insert*—

'(c) it is a draft of matter mentioned in paragraph (a) or (b); or

(ca) it is a copy of, or contains an extract from, matter or a draft of matter mentioned in paragraph (a) or (b); or'."

Amendment agreed to.

Clause 36, as amended, agreed to.

Clause 37—

Mr WELLS (10.54 p.m.): I move the following amendment—

"At page 27, lines 1 to 2—

omit subclause (1)(c), *insert*—

'(c) it is a draft of matter mentioned in paragraph (a) or (b); or

(ca) it is a copy of, or contains an extract from, matter or a draft of matter mentioned in paragraph (a) or (b); or'."

Amendment agreed to.

Clause 37, as amended, agreed to.

Clauses 38 to 40, as read, agreed to.

Clause 41—

Mr HARPER (10.55 p.m.): Earlier in the debate, I canvassed the difficulty that the Opposition has with interpreting the memorandum tabled by the Attorney which he received from the Solicitor-General. That was a memorandum and not an opinion. I canvassed the freedom of information that is not being made available to the Opposition by the Attorney in regard to matters of sub judice in order that the Opposition may come to a conclusion as to whether the Government's reluctance to have debate in this Parliament on certain issues is valid or not. Under clause 41 is set out matter relating to deliberative processes. The clause states—

"Matter is exempt matter if its disclosure—

(a) would disclose—

(i) an opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) a consultation or deliberation that has taken place;

in the course of, or for the purposes of, the deliberative processes involved in the functions of government; and

(b) would, on balance, be contrary to the public interest."

Through you, Mr Chairman, I put it to the Attorney that his refusal to make available full opinions in the course of parliamentary debate is certainly not in the public interest. I wonder whether he will claim, when the Opposition asks for disclosure of documents such as these, that the matter is exempt because of clause 41, or whether he will admit that, outside the precincts of this Parliament, people who have a desire and a justification for perusing this type of information are going to be denied it. Clause 41 (2) states—

"Matter is not exempt under subsection (1) if it merely consists of—

(a) matter that appears in an agency's policy document; or

(b) factual or statistical matter; or

(c) expert opinion or analysis by a person recognised as an expert in the field of knowledge to which the opinion or analysis relates."

I am sure that the Attorney would not suggest that his Crown Solicitor or his Solicitor-General are not people who provide expert opinion or analysis; nor would he suggest that they are not recognised as experts in that field. I point out to the Attorney through you, Mr Chairman, the real relevance of the substantive matters that I have previously raised in debate in this Parliament. I ask the Attorney to indicate whether he or his Government will duck for cover again in this area when people have a legitimate right to understand why the Government is not prepared to debate issues under the pretext that the matters that could arise are sub judice, when in fact no-one is in a position to make that judgment. We have to rely on the word of the Attorney who is making that judgment. It seems to me that in this freedom of information legislation, there must surely be an avenue through which not only members of Parliament but also the public can seek that information. If that is the case, why is it that elected members of Parliament in this Chamber are not able to do likewise? Why is it that the Attorney refuses to make that advice available?

Mr WELLS: The legislation does not set aside legal professional privilege. I do not believe that honourable members opposite would want the legislation to set aside legal professional privilege. Consequently, opinions of the type about which the honourable member speaks are not capable of being accessed under freedom of information. However, if the honourable member wants to see the remaining unexpurgated volumes of the Cooke report, or if he wants to see the Solicitor-General's opinion, or the Crown Solicitor's opinion relating to the expunging of material from *Hansard*, or if he wants a briefing with the Solicitor-General or the Crown Solicitor, that can be arranged. They have been offered to the Leader of the Liberal Party on a number of occasions. If the honourable member's leader chooses to change his attitude and come to a briefing with the Crown Solicitor, the Solicitor-General and me on these points, he is most welcome to do so. The Leader of the Opposition may invite the member for Auburn to come along as well. That is how it used to be when the member for Roma was the Leader of the National Party. I would say to him, "Do you want to have a look at this?" Sometimes he would come along with a learned silk, and sometimes he would come by himself. On the first couple of occasions, he brought a silk with him. As he became used to the matters, he became a bit of a lawyer himself, and did not need a silk any more. He saved the National Party an enormous amount of money. It also saved everybody a lot trouble. Instead of ducking for cover—as does the present Leader of the Opposition when he is offered a briefing by me, the Solicitor-General, or the Crown Solicitor on a sensitive legal matter, ensuring that he can shoot from a position of ignorance—the previous Leader of the National Party would be informed of the relevant knowledge. Therefore, he would not make the dangerous attacks as does the Leader of

the Opposition. The Leader of the Opposition chooses to be in ignorance of the matters.

If the member for Auburn wishes to view the material, he is most welcome. He should bring with him the Leader of the National Party. He can be his leader's legal adviser. I am very happy to show him the material.

Clause 41, as read, agreed to.

Clause 42—

Mr WELLS (11.03 p.m.): I move the following amendments—

"At page 29, lines 24 to 25—

omit 'or property', *insert* ', property or environment'.

At page 29, after line 26—

after subclause (1)(j), *insert*—

'; or

(j) prejudice the wellbeing of a cultural or natural resource or the habitat of animals or plants'.

At page 30, line 7—

after 'law', *insert*—

'or the law relating to misconduct or official misconduct within the meaning of the Criminal Justice Act 1989'.

At page 30, after line 15—

after subclause (3), *insert*—

'(3A) A reference in this section to a contravention or possible contravention of the law includes a reference to misconduct or official misconduct, or possible misconduct or official misconduct, within the meaning of the Criminal Justice Act 1989.'."

Amendments agreed to.

Clause 42, as amended, agreed to.

Clauses 43 and 44, as read, agreed to.

Clause 45—

Mr WELLS (11.04 p.m.): I move the following amendments—

"At page 31, line 16—

omit 'and business affairs', *insert* ', business affairs and research'.

At page 32, after line 4—

after subclause (2), *insert*—

'(3) Matter is exempt matter if—

(a) it would disclose the purpose or results of research (including research that is yet to be started or finished); and

(b) its disclosure could reasonably be expected to have an adverse effect on the agency or other person by or on whose behalf the research is being, or is intended to be, carried out.

'(4) Matter is not exempt under subsection (3) merely because it concerns research that is being, or is intended to be, carried out by the agency or other person by, or on whose behalf, an application for access to the document containing the matter is being made.'."

Amendments agreed to.

Clause 45, as amended, agreed to.

Clauses 46 to 50, as read, agreed to.

Clause 51—

Mr WELLS (11.05 p.m.): I move the following amendments—

"At page 34, lines 8 to 9—

omit the heading, *insert*—

'Disclosure that may reasonably be expected to be of substantial concern'.

At page 34, lines 10 to 14—

omit subclause (1), *insert*—

'(1) An agency or Minister may give access to a document that contains matter the disclosure of which may reasonably be expected to be of substantial concern to a government, agency or person only if the agency or Minister has taken such steps as are reasonably practicable to obtain the views of the government, agency or person concerned about whether or not the matter is exempt matter.'.

At page 34, line 18—

omit 'under section 38, 44 or 45'.

At page 34, lines 19 to 20—

omit 'so exempt', *insert* 'exempt matter'."

Mr LITTLEPROUD: I would like an explanation from the Attorney-General because I notice that Clause 51 (1) states—

"An agency or Minister must not give access . . . unless . . ."

The proposed amendment states that an agency or Minister "may give access . . . if". Can the Attorney-General give an explanation as to the ramifications of that change in wording?

Mr WELLS: It liberalises—the words are being changed——

Mr Littleproud: Why liberalise it?

Mr WELLS: It liberalises the expression, more than changes the meaning. The idea is to make it more available. The basic purpose of this provision is to allow people who are affected by an application for FOI the right to be heard. That is a requirement of natural justice.

Amendments agreed to.

Clause 51, as amended, agreed to.

Clause 52—

Mr WELLS (11.06 p.m.): I move the following amendment —

"At page 36, line 21—

omit 'under section 38, 44 or 45', *insert* 'matter'."

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 to 69, as read, agreed to.

Clause 70—

Mr LITTLEPROUD (11.07 p.m.): This clause relates to the staff of the commissioner. Could the Attorney tell me how many staff members will be involved and where they will be? Once he has answered that, I might have some other questions.

Mr WELLS: Provision will be made in the Budget for the staff of the commissioner.

Mr Littleproud: How many people?

Mr WELLS: I do not know exactly. One could count the number on the fingers of one hand.

Mr Littleproud: None.

Mr WELLS: It will be whatever the workload requires. I expect that announcement to be made in the Budget.

Mr Littleproud: Five?

Mr WELLS: The member is in the right ballpark.

Mr LITTLEPROUD: I appreciate that the Attorney is a little vague because the Budget papers still have to be handed down. I am sure that people out there in the community would like an assurance that the Budget will contain an allocation big enough to provide the required number of staff to make this piece of legislation operative, so that people will not be frustrated by a workload that they cannot handle. Can the Attorney give members an assurance that the Budget allocation will be large enough to provide sufficient staff numbers and allocate sufficient office space so that this legislation is operable?

Mr WELLS: My departmental officers have just advised me that the number of staff applied for in the Budget process was five.

Clause 70, as read, agreed to.

Clauses 71 and 72, as read, agreed to.

Clause 73—

Mr WELLS (11.09 p.m.): I move the following amendment—

"At page 45, line 27—

omit 'subparagraph 71(1)(e)(i)', *insert* 'section 71(1)(f)(i)'."

Amendment agreed to.

Clause 73, as amended, agreed to.

Clauses 74 to 77, as read, agreed to.

Clause 78—

Mr WELLS (11.10 p.m.): I move the following amendment—

"At page 47, line 29—

omit 'under section 38, 44 or 45'."

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79—

Mr WELLS (11.11 p.m.): I move the following amendment—

"At page 48, line 9—

after 'section 73,', *insert* 'taken'."

Amendment agreed to.

Clause 79, as amended, agreed to.

Clauses 80 to 109, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

MINISTERIAL STATEMENT

Agricultural Standards Amendment Bill

Hon. E. D. CASEY (Mackay—Minister for Primary Industries) (11.12 p.m.), by leave: The Explanatory Notes supplied to the House when this Bill was introduced related to a draft of the Bill. Late changes were made to the draft to enable the principal Act to reflect amendments to the Acts Interpretation Act and current legislative drafting style. Having observed the ability of honourable spokespersons opposite and their capability of interpreting legal aspects and wording rather than simple English explanations of the Bill, I now table the correct Explanatory Notes, which include references to these additional clauses but do not change the notes dealing with the substance of the Bill.

AGRICULTURAL STANDARDS AMENDMENT BILL

Second Reading

Debate resumed from 17 June (see p. 5788).

Mr PERRETT (Barambah) (11.13 p.m.): This Bill makes the necessary administrative changes to the Agricultural Standards Act 1952 to implement decisions of the Australian Agricultural Council. Those decisions amount to transferring to the Commonwealth most of the real power over agricultural chemicals. The Opposition has some problems with this because, in the future, Canberra will have the sole responsibility for pre-sale evaluation and registration of those products that are so essential to the viability of primary production in this country. The Opposition is totally opposed to that concept and will oppose the passage of the Bill. That opposition is based on the cost and efficiency penalties that the new arrangements will bring with them. Producers, and ultimately consumers, have a great deal to fear from the passage of legislation such as this. It takes control of a vital element of management in primary production away from an efficient State structure and hands it to a Canberra bureaucracy which constantly proves itself out of touch with reality.

Before I go any further, I want to mention the danger of handing control over agricultural chemicals to a Government which includes people such as the accident-prone Ros Kelly. We all know that those products are very high on the hate list of the green movement. In fact, it is probably not going too far to say that they want them banned altogether. We also know that people such as Ms Kelly are only too happy to pander to the green movement when there is the chance to pull a few more votes. I, for one, am not at all happy about putting Queensland producers at the mercy of one of Ms Kelly's deals with the green movement. Chemicals are too important to the great food and fibre producing industries for us to be able to afford any risk that they might be restricted for less than compelling scientific reasons.

The rational and safe use of agricultural chemicals is part of the equation that makes Australian producers among the most efficient in the world. They are part of the efficient production of high quality food and fibres for both the domestic and export markets. We should be retaining local and knowledgeable control over their registration and clearance. By bringing this legislation before the House, the Minister has shown that he does not understand fully the area with which he is dealing. A less kind interpretation is that he does not care about the needs of primary producers and simply wants to get another responsibility out of his hair. Some people might even wonder whether the Minister wants an excuse to get rid of even more of his department's staff. If the Minister understood his department, he would realise that the current system works very well.

The presale evaluation and registration of agricultural chemicals have been the responsibility of the Agricultural Requirements Board of his department under the Agricultural Standards Act, requiring chemicals to be registered before they can be sold in Queensland. The board has been responsible for evaluating chemicals and then recommending their registration or not. As a producer, I would be the last person to stand up and say that there were never any problems. There has always been a

manufacturer or an agent who has not been satisfied with the system. Evaluation separately by each State has not been a problem in terms both of time and of expense. Few would argue that it was the only way to go. The Opposition does not object to a single evaluation of chemicals before they go on sale. It is the next step envisaged by this legislation to which we object strongly. There should not be a single remote authority deciding on specific applications. That is where the real additional costs in terms of time and money will come.

At the moment in Queensland, the cost of a typical registration has been in the order of $170 for a three-year period of sales. With the Commonwealth being involved, that cost will rise sharply, possibly to thousands of dollars. After what they have seen happen with Commonwealth inspection charges, producers are very nervous. The Commonwealth has a well-known policy of total cost recovery, so the costs of the inefficient Commonwealth system will be passed on. A levy on the costs of the scheme is inevitable. The chemical companies are not well known for philanthropy, so we can expect the costs to be passed on to the end-users of the chemicals involved and the consumers of primary produce, if the market will bear the price. The money cost is one thing; even more important to most people will be the delays built into the inefficient Commonwealth system. Our local DPI people have an enviable record of getting on with the job. They have dealt directly with farmers and they have been prepared to move quickly when a problem has shown itself. The Commonwealth has the opposite reputation. Farmers and graziers are very fearful that the new system will mean problems in crops or with livestock and will not be able to be dealt with fast enough. In the past, DPI officers have responded quickly to new problems. They have made sure that approvals for new applications of already tested chemicals have come through quickly. If the Minister really cared about primary industry, he would recall examples of situations in which quick decisions about chemical use have saved crops which might otherwise have been lost. We are talking only about chemicals already approved for use in Australia—simply new applications of them. We can never agree with the idea of going to Canberra every time a producer wants to clear a chemical for a new application.

In his second-reading speech, the Minister referred to the benefits of bringing a national perspective to an area that he described as being previously dominated by parochial interests. The registration system in Queensland was dominated solely by the interests of consumers and primary producers, and it worked very well on their behalf. That is a claim which cannot be challenged on any rational basis. If that is parochial, then we should be looking for more of it. Those same interests will not be as well served if Canberra is allowed to bureaucratise the sale of agricultural chemicals in Australia. We realise that the Government will use its numbers to force this legislation into law. We realise also that we are faced with a fait accompli. The handover has already taken place. The Commonwealth is already in the driving seat. This legislation merely ratifies what is already happening. Producers are unhappy about that, and the Opposition is also unhappy about it. I can assure producers that the next Government will move swiftly to protect their interests. Unlike the Labor Party, we do not believe in centralism. We do not believe that Big Brother always knows best. We certainly do not believe that Canberra knows best. It is dominated by academic theorists with no conception of what goes on in the real world. We are not prepared to hand over important functions to them just to satisfy some Labor centralist ideal. Producers are already hamstrung enough by Government interference in the way in which they run their properties. They will never believe that this legislation is being imposed for their own good because, clearly, it is not.

Mr BEANLAND (Toowong) (11.22 p.m.): I rise to express some concerns about the legislation. The new arrangement would be sufficient for a workable national scheme under which chemicals would be cleared by the Government for registration by the States. I am particularly concerned about the registration process. It is questionable as to whether the step to have the Commonwealth legislation governing registration for sale throughout the country will be in the best interests of the industry. This can be illustrated by the additional costs that the industry will be made to bear. In Queensland, the cost of a typical registration has been $170 for a three-year period of sales. Under

Commonwealth administration, this cost will rise, possibly by thousands of dollars. This is certainly the belief of quite a number of users in the industry.

A levy on the sale of agricultural chemicals to cover what will be framed by the Commonwealth under its interpretation of the user pays principle is a real possibility. These additional costs will eventually be borne by primary producers. In his introductory speech, the Minister referred to the benefits of bringing a national perspective to an area previously dominated by parochial interests. However, the registration system in Queensland has been dominated solely by the interests of consumers and primary producers. It has worked very well on their behalf. There has never been any challenge to that claim. It is parochial and we should, I believe, be looking at having more of it because those same interests will not be served as well by Canberra. Although farmers will continue to have access to chemicals they use routinely, they will experience difficulty in emergency situations. This could amount to total crop losses in some cases because of administrative delays by Canberra in approving special uses. That is a very important point because, in all of the documentation that the Minister has given us to date, and in his comments, that possibility does not appear to have been addressed. Although the Minister might indicate that there will not be delays, we have already seen delays and time losses occurring in other areas where approval has to come from Canberra. This is a matter of major importance, and it is for this reason that I express a grave concern about the matter.

There is one other aspect I want to touch on under this legislation. I want to pay tribute to the work that is being done by the Queensland Agricultural Chemical Accreditation Committee as far as agricultural chemicals are concerned. This group is making the community, particularly our primary producers and others who handle chemicals, much more aware of the ways in which to handle and use chemicals. Accreditation for the use of agricultural chemicals is available for those people who have passed an examination on the safe use and application of agrochemicals. This is an important point at a time when we are concerned more and more about the use of these chemicals. This group is performing excellent and worthwhile work in this area. The Queensland Agricultural Accreditation Committee includes representatives from the Queensland Farmers Federation; the Queensland Rural Industry Training Council; TAFE; the Queensland Department of Primary Industries; the Centre for Pesticide Application and Safety; and has a grower as chairman. The course has been developed by the Centre for Pesticide Application and Safety at the Gatton College of the University of Queensland. It is now being offered by a variety of institutions, including TAFE colleges, rural training schools and independent qualified trainers. The work that it is carrying out is extremely creditable. It is something of which we, as a State, can be very proud. I stress that horticulturalists and people in the suburban areas who have a need to use chemicals from time to time ought to give a thought to undertaking the necessary studies on the safe use and application of these chemicals. Because in recent times a number of accidents have occurred during the handling of these chemicals, it is in the interests of everyone who handles them to achieve the necessary qualifications.

Mr STEPHAN (Gympie) (11.28 p.m.): Madam Deputy Speaker——

Mr Casey: There are no other speakers on the list.

Mr STEPHAN: Does the Minister mean to say that I cannot make any comment?

Mr Casey: No. You are ratting on the commitment that your own spokesman made.

Mr STEPHAN: I fail to see that one needs to put one's name on a list to be able to say a few words. I do not see anything in the Standing Orders which says that we must put our name on a list.

Mrs Woodgate: Come on, get on with it.

Mr STEPHAN: The Minister wants to delay proceedings and I just want to add a couple of comments to what has already been said. In his second-reading speech, the Minister said—

> "In essence, the Bill allows an agricultural or veterinary chemical, for which a certificate of clearance has been issued, to be registered for sale in Queensland without the need for further evaluation at the State level."

I draw the attention of the House to the fact that over a period the registration of chemicals in various States was very expensive. There were times when these chemicals were being transported from one State to another without the chemical companies going through the registration procedure. I see registration as a positive step. However, in common with the two members who preceded me in the debate, I am dubious about the Minister's claim that registration will be subject to any conditions imposed by the national registration authority. I foresee problems arising in regard to the use of these chemicals because of the varying strengths applying in the various States. For example, the strengths recommended in Victoria are not necessarily those that are recommended in New South Wales or Queensland. These chemicals can leave a residue on the various crops. What would be the position if a residue were found on crops? Whose standards are going to be utilised to determine whether that residue is going to be harmful to the customer? This aspect has already been dealt with, but it is certainly worth reiterating. The problem is not easily overcome as far as the use of chemicals is concerned. Although the use of chemicals has been reduced to a very large extent in the last 10 years, there is still doubt about the level of residue that can be considered unharmful. If a chemical residue is found, what standards are going to be used to decide whether or not it is harmful? If that is going to be determined by a body outside this State, then I doubt whether it is going to be in the best interests of Queensland.

Hon. E. D. CASEY (Mackay—Minister for Primary Industries) (11.32 p.m.), in reply: I thank honourable members for their contributions. I am sorry that the member who has just resumed his seat did not stick to the deal that was indicated by the Opposition spokesman. He just added to the confusion that is currently being experienced amongst Opposition members. The National Party has totally lost it out in the bush. It is no wonder that the people in the bush have walked away from the National Party because its members have absolutely no understanding of current agricultural problems. Whatever the former National Party Government did was determined and dictated by a National Party branch somewhere. National Party policy came up through the chain of command. Members of the Opposition are not talking to industry and, consequently, they do not understand what is happening. This Bill has been accepted across-the-board by Queensland industry. In fact, industry has welcomed it as one of the greatest innovations that this Government has achieved because it is a Queensland initiative.

I raised this matter initially in July 1990 at a meeting of the Australian and New Zealand Agricultural Council in Adelaide. It has all been put in place and it was finalised at our meeting in Mackay only last month. It was finalised not only with the agreement of industry in Queensland but also with the agreement of industry in all the other States, yet members of the National Party are saying all sorts of crazy things. For starters, this Bill is going to save the taxpayers of Queensland half a million dollars. When that is multiplied by the savings of the six other States, a very attractive amount is taken off the top of the costs of chemical companies. It will be a substantial cost saving so far as the primary producers of Australia are concerned. They will no longer be saddled with these major costs. In fact, although two Opposition members cited some of the fees charged in Queensland, an examination of the costs in the other States shows that they were using it as a major fund-raising avenue, particularly New South Wales, which was controlled by a National Party agriculture Minister. New South Wales was the most reluctant to accept the national standard, which is what we are now moving to. New South Wales was using the previous provision as a fund-raising measure and imposing costs on the primary industries of that State. What we are simply doing is saving money for the primary producers of our State, as well as those in the rest of Australia. Opposition members have said this is going to take longer to process than it has in the past because it has to be looked at by those dreaded fellows in the Commonwealth. Somewhere along the line the honourable member for Barambah was talking about Ros

Kelly looking into it. Well, because Ros Kelly does not have ministerial control over it, she has absolutely nothing to do with it. It is the administrative responsibility of the Primary Industries Minister, Mr Crean, and has absolutely nothing to do with Ros Kelly.

On the subject of time and what has been happening to date—there have been major delays in the past because when a company introduced a new chemical needed for tick control, agricultural spraying or something else, it took as long as it took the slowest State in Australia to get it into place, and even if there was an urgent need it was extremely difficult to get it done under the old system. That was the way it operated. Now we have a one-stop shop, which is a much quicker operation than the previous one. Members of the Opposition are talking about being able to act quickly. The remainder of the Bill makes provision for that. I do not think that members of the Opposition have bothered to read the rest of the Bill. They do not know or understand the amendments that we are putting forward here this evening. I should also add that when the Commonwealth agreed to the establishment of the scheme and the other States also agreed, in order to set it up we sent two of our people down to Canberra. What has been set up in Canberra is virtually the Queensland system, because we were far more advanced than any of the other States. We helped the Commonwealth to set up a national establishment so that we could make sure that the initiative we had taken in this State was driven right through and put into place. The Queensland system could then be followed—one that was well known and understood by us; one that was well known and understood by our industry. That is why we have the total support of Queensland's primary industries.

The member for Toowong again talked about the policy items that are discussed within the Liberal Party. As he is the Liberal Party spokesman for Primary Industries, I imagine that those policy items are very well discussed in the lounge rooms of Toowong, St Lucia, Taringa and Indooroopilly. However, those people are not very authoritative in the bush, where nobody really knows and understands the Liberal Party, either. Even the Leader of the National Party knows more than Liberal Party members know about bush matters. That is really saying something, because he does not know much, either. The member for Gympie again displayed what a nincompoop he is.

I want to make it clear that every move that the Government makes is directed towards trying to establish an Australian standard—not a Queensland standard, a Northern Territory standard or a Tasmanian standard—not only for primary industry but also for the construction industry, the environment and technical matters. Governments are learning more and more that we must do it better in Australia and, as such, Australian standards must be applied. The application of an Australian standard for chemicals is particularly important to Queensland, more so than any other State, because the primary sector is reliant on exports. Overseas, Australia can run into very real trouble with its products.

Earlier this evening, members on both sides of the House enjoyed a presentation on what will be one of the major exports from Queensland in years to come—the red-clawed crayfish. I thank honourable members for their attendance. I do not think that anyone has any criticism of what was put before them this evening. As I stressed at that function, the important point is that the crayfish will be sold on a clean and green basis. The Government is adhering to an Australian standard that will improve the quality of our product, which will set our export drive on fire in countries around the world. That quality of product will depend upon agricultural chemicals and many other aspects. The Government will ensure that the standards are maintained. We are working on a national standard to allow this nation to earn export income for our primary sector, especially, and for the economy of Queensland.

Question—That the Bill be now read a second time—put; and the House divided—

AYES, 47		NOES, 25	
Ardill	McElligott	Beanland	
Barber	McGrady	Connor	
Beattie	McLean	Coomber	
Bird	Milliner	Dunworth	
Braddy	Nunn	Elliott	
Bredhauer	Palaszczuk	FitzGerald	
Briskey	Pearce	Gilmore	
Campbell	Power	Harper	
Casey	Robson	Hobbs	
Comben	Schwarten	Horan	
Davies	Smith	Johnson	
De Lacy	Smyth	Katter	
Dollin	Sullivan J. H.	Lingard	
Eaton	Sullivan T. B.	Littleproud	
Edmond	Szczerbanik	McCauley	
Elder	Vaughan	Perrett	
Fenlon	Warner	Santoro	
Flynn	Welford	Slack	
Foley	Wells	Springborg	
Gibbs	Woodgate	Stephan	
Hamill		Turner	
Hayward		Veivers	
Hollis	*Tellers:*	Watson	*Tellers:*
Livingstone	Prest		Neal
Mackenroth	Pitt		Quinn

Resolved in the affirmative.

Committee

Hon. E. D. Casey (Mackay—Minister for Primary Industries) in charge of the Bill.

Clauses 1 to 10, as read, agreed to.

Clause 11—

Mr STEPHAN (11.47 p.m.): My concern about this clause relates to residues and to the amount of chemical that can be used. Various States have provisions for the strengths of chemical that are allowable or acceptable. They also have provisions relating to the rate of application of the chemical so that no residue is left on the product. I ask the Minister: as the strengths required to control pests vary from State to State, and as the rates of application also vary so that not too much residue is left on the product as to not make it readily saleable, how will those strengths and rates be determined?

Mr Casey: I have already answered it.

Mr STEPHAN: With all due respect, the question has not been answered. The concern that I have expressed is the same as the concern that exists in the community. If the Minister went out into the community as much as he says he does, he would find that that is a concern and it is something about which people want an answer.

Mr CASEY: I suggest that the honourable member read the *Hansard* record tomorrow and note the use of my words "Australian Standard".

Clause 11, as read, agreed to.

Clauses 12 and 13, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

ADJOURNMENT

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (11.50 p.m.): I move—

"That the House do now adjourn."

Honey Locust; Weed Eradication by Prisoners

Mr HOBBS (Warrego) (11.50 p.m.): I rise in this Adjournment debate to draw to the attention of the House the destructive potential of the pest honey locust tree. This pest is now becoming so widespread that I believe the Government should look at involving prisoners in a program to eradicate it. In several decades, this very decorative tree has escaped from gardens and become a real menace. It proves the truth of the saying that a weed is a plant out of place.

Honey locust appears to have come here as an ornamental plant, with examples recorded in the Clifton area in 1907. I am told that the first real infestation was discovered in the Cressbrook area, where it was known as McConnell's Curse. Certainly, the "curse" part of that name is very apt. Honey locust is a very thorny tree which is aggressive in taking over areas suitable to its growth. It has many of the attributes of a weed, including rapid growth, prolific seed production, very dense population in amenable areas, and the ability to withstand disease and insect attack. The tree grows to 24 metres, but in its immature form it grows densely, close to the ground and is very attractive to grazing stock. They eat and then pass the seeds from prolific pod growth, causing further spread. However, one of the biggest dangers is that the pods float and they are easily carried by streams and storm run-off.

There is a great danger that in this fashion the tree will spread down the Condamine and Murray/Darling River systems through some of the most productive land in Australia. Already, it has taken over large areas of good land in the Brisbane Valley and on the Darling Downs. Heavy infestations occur in the Toogoolawah area and around Clifton, Allora and Warwick. Smaller infestations are recorded in the Dalby, Roma, Tummaville and Laidley areas, and along the Logan River south of Brisbane. Honey locust is so aggressive that it totally replaces native vegetation on alluvial soils along rivers and other streams. Merely chopping it down only makes the problem worse, as the plant suckers vigorously. In the medium term, honey locust has the potential to devastate the productive potential of some of this State's best lands. It also has the potential to destroy large areas of native vegetation and, with it, the habitat of native birds and animals.

So far, the honey locust has not been declared a pest plant, but the Warwick City Council and the Clifton Shire Council have taken the commendable action of outlawing it under their by-laws. Honey locust should be declared a pest wherever it occurs. It is an attractive tree, and councils need the power to ensure that it is not grown in suburban gardens. It spreads too fast for that to be allowed to happen. Many private landholders have tried control programs, but the task is simply too expensive, in both time and the chemicals needed. I am told that the only effective control involves principally an application of Garlon 600 herbicide. I believe that the responsibility for eradication has to be accepted as a responsibility of the State. In the normal course of events, the Rural Lands Protection Board should do the job, but all honourable members are aware of the precarious budget situation facing that body. I would like to see the board set up a control strategy and supervise implementation by prisoners or people carrying out community service orders. The Western Outreach camps have been generally accepted, and most people would agree that the idea has a lot of merit. Many people who are convicted of non-violent crimes are no threat to the community. Many would even welcome the idea of doing something useful while they repay their debt to society. They would certainly be doing something very useful if they were put to work to get rid of honey locust.

If honey locust eradication proved successful in a pilot scheme, the idea could be extended to other real pest problems in the State. Any number of plant pests reduce the value of productive land and the contribution it can make to this State's economy.

Weeds such as prickly acacia, rubber vine and box thorn are some examples, but I am sure that honourable members could think of numerous others. In most cases, the landholders have had no involvement in establishing these pests, so they cannot be held totally responsible for getting rid of them. By using prisoners as a labour force, the State could afford to take a much larger role in eradication programs. The Rural Lands Protection Board, although underfunded by this Government, could support this flying gang. Honey locust can be controlled in Queensland in one and a half man-years, or three men for six months. Let us clean up this noxious plant. We can do it. We have the resources.

Time expired.

Future of Noosa Region

Mr BARBER (Cooroora) (11.55 p.m.): Building and planning for the future of the Noosa region has previously been a topic of mine in this House. A mature community is not only bricks and mortar. A mature community has an invisible web of services that must be planned for. These systems underpin the lifestyles of people, and I am carefully putting them together in Noosa region. I recently surveyed the town of Coolum. A constant desire was for the upgrading of bus services to Nambour. Therefore, the Government is investigating how the viability of increased bus connections to Nambour can be achieved so that people can visit their doctors, specialists, and the hospital, and connect to the rail to Brisbane. In Coolum, 11 hectares of sporting fields have been arranged at Mount Emu after Maroochy Shire Council and Lands Department cooperation. The Coolum Junior Rugby League Football Club will be looking forward to the opening of these sportsfields.

Recently, the general manager of a large Sunshine Coast resort stated that the Sunshine Coast has to decide whether it wants tourism and, if so, regional planning has to occur to prevent urban sprawl drowning the Sunshine Coast tourist product. I am pleased to confirm that this type of planning is occurring. The Local Government and Housing Department is requiring local authorities to get their strategic plans in order and then to stick to them. In future, agricultural land and future urban zones, etc., will be clearly set out. Local authorities will stick to their strategic plans case by case. The Minister for Housing and Local Government actively encouraged the Maroochy Shire Council and the Noosa Shire Council to cooperate in drafting a joint development control plan for Lake Weyba. In this way, this fragile and significant area on the shire borders can be planned, conserved in places and developed where appropriate. The Noosa region is developing at a rate of knots and it can look forward to a bright future. For example, the Noosa Hill development control plan allows for twice as many holiday and home units to be constructed as presently exist. Since I attended the ground-breaking ceremony last year, the Emerald Resort has forged ahead. In Noosa Junction, a large office complex is nearing completion.

I want to again praise the work of the Noosa Community Family Support Centre Inc., which is located at Cooroy. The Government recently approved $12,000 funding for its ongoing treatment of domestic violence. It is part of that invisible network of community support that is the hallmark of a mature society. There is a plan for Cooroy, Noosa, Eumundi and Coolum, and the future of those areas is assured by the Goss Government. Cooroy and Eumundi have bustling small business sectors. I want to assure those businesses that the Government is planning to underpin their growth and ensure their future. The Cooroy bypass is under way, which is the single biggest favour that the Government could do for the town of Cooroy. At Eumundi, the Transport Department is surveying the traffic area in order to deliver a safer place to do business. This year, the Cooloola Conservation Council Inc. has been funded by this Government to help it protect Boreen Point's foreshore and lake.

A plan exists for the Noosa region to grow into a mature community, with all the support and services that a mature community deserves. However, all this is under threat from the Liberals and the Nationals. The Liberal/Nationals will bulldoze Stage 2 of the Sunshine Motorway through a national park and funnel it into a bottleneck at Noosa

Junction. They will pour motorway traffic down residential streets at Peregian Beach, Marcus Beach and Sunshine Beach. The Liberal/Nationals will drown the Noosa tourist product by concreting the north shore with large scale tourist resorts. They will allow the Big Rocket lake, residential and tourist park development in Emu Swamp, and destroy the quiet village of Peregian Beach. They will sever Noosa region's connection with the Goss Government's jobs and growth plan for Queensland. The Liberals and the Nationals have a plan for Noosa, and it is a plan to tear down and destroy.

Time expired.

Mr T. Hampson

Mr DUNWORTH (Sherwood) (12.01 a.m.): I rise tonight to speak about the Labor Party's hypocrisy, cronyism, arrogance and contempt for public servants that is currently occurring with the full knowledge, support and compliance of the Premier and the Minister for Environment and Heritage, Mr Comben. I must admit that, despite the ravings, arrogance, and stand-over tactics of the Minister for Environment towards the average citizen, he has a genuine commitment to his portfolio. However, he has been duped by his most senior advisers whose loyalties lie elsewhere. They treat him like the proverbial mushroom. The tragedy is that the Minister had some of the most eminent environmental officers in Australia, such as Paul Sattler and Peter Stanton, employed by his department. He overlooked them and appointed Labor apparatchiks such as Dr Craig Emmerson, the former Hawke sycophant who is currently taking his instructions from the Premier, and who has been instructed to vet everything that the Minister does and to report directly to the Premier. Obviously, by betraying his Minister, Dr Emmerson is ingratiating himself with the Premier. He is doing that on the promise that he will be appointed Cabinet secretary when Kevin Rudd scurries off to Canberra to resume his career with Foreign Affairs before the Federal coalition avalanche sweeps the Keating Labor Government from office later this year.

Tonight, I wish to refer to the Terry Metherell of Queensland politics, Terry Hampson. He was thrown out of the position of State secretary of the Labor Party by the Premier and the then assistant secretary, Wayne Swan, who coveted his position. Terry Hampson was very vitriolic about his betrayal and struck out at his assassins. He attacked the Premier and Wayne Swan by saying that they were arrogant, disloyal and out of touch with the grassroots of the party. What did Terry Hampson do? After returning from a three-month holiday overseas, he called up his old Socialist Left mates and took up the position that he had been promised before he was sacked. The *Sunday Mail* of 26 May 1991 stated—

> "He was uncertain about the future but may run for a State seat. Although he had been offered a job connected with politics, he declined to give details.
>
> I can't really talk about it at the moment but I do have the offer of a job which I'm considering."

What was the job that Terry Hampson had been offered? No-one else knew, because it had not been advertised. Nobody in the public service knew about it; no-one in the private sector knew about it. The job was given to a Labor mate—that old Labor crony, Terry Hampson. It pays $2,500 a fortnight. Obviously, it requires no professional qualifications, because Terry Hampson does not have any. It allows Terry to spend as much time away from the office campaigning as he wishes. Yesterday, he was campaigning at Carseldine. He attended a morning tea at which the Premier's wife was present. Today, my contacts in the Department of Environment and Heritage tell me that again he was nowhere to be seen. Maybe he was out planting trees in the electorate, or driving his car around the electorate. He is supposed to be writing a submission for the World Heritage listing of the Border Ranges, which must be completed by 1 October 1992. That is less than eight weeks away.

Why does the Labor Party believe that it is acceptable for a Labor crony such as Terry Hampson to be given a plum job in the public service that pays $250 a day when that same Labor Party has destroyed the careers of many loyal and faithful public

servants by its constant interference? Because of its patronising attitude, it believes that it owns the public service and it can treat public servants as serfs. Compare Mr Hampson's cosy appointment with the positions of other officers, particularly field staff in the Department of Environment and Heritage who risk, and sometimes lose, their lives through inadequate equipment, who live in caravans and lean-tos, and who are given impossible management tasks in remote areas. The following questions must be asked: is Mr Hampson on leave without pay? Is he accepting his pay in clear conscience? When he is not at work, who is doing his job? Why is he treated differently from other public servants?

It is okay for Labor to hand a $250 a day job to a Labor mate who is unqualified, uncommitted, and who is laughing at the people of Queensland, particularly those people who are battling to survive in the Aspley electorate. Every working day, under the Labor Government, 650 ordinary Queenslanders are losing their jobs. But not Terry Hampson; a Labor crony. He was promised a $60,000 a year job by the Labor Party before he was sacked by that party. He then enjoyed a three-month world tour. On his return, he moved into a plush office in Ann Street. He now spends his time campaigning, courtesy of the Queensland taxpayer. The people in the electorate of Aspley who are struggling to survive in the Labor-induced recession can judge Mr Hampson at the State election later this year.

Time expired.

Organised Crime

Mr BEATTIE (Brisbane Central) (12.06 a.m.): Before I make my contribution to this debate, I say that am appalled by the personal and vicious attack on my very close friend Terry Hampson. Indeed, he could best be described as a very fine Queenslander. I hope that he is elected to this House. I believe that he will be elected, and he will make a fine and excellent contribution.

I wish to talk about organised crime and the fact that the Criminal Justice Commission, encouraged by the Parliamentary Criminal Justice Committee, is tackling this issue head-on. In fact, as a result of six recent investigations, $7.5m in assets is currently being restrained. That money relates to matters involving drug trafficking, money laundering and SP bookmaking. I wish to deal with the issue of organised crime and what is happening so that Queenslanders can rest assured that this serious issue is being tackled and, indeed, tackled head-on.

Investigations into organised and major crime are special on several levels—namely, jurisdiction, philosophy and resources. The commission's approach can be determined in a number of ways. The philosophy adopted by the CJC in fulfilling its statutory charter on organised crime has been—

> to undertake this function as far as possible in cooperation with the Queensland Police Service, or other investigative agencies so as to enhance the capacity of law enforcement to deal with the challenge of organised or major crime; and
>
> to act as a catalyst to the undertaking of more sophisticated investigations, using surveillance, electronic interception, undercover agents, cooperating witnesses, and the long-term commitment of resources in an attempt to ascend the ladder of organised criminal endeavour.

Of course, until recently, the CJC had limited resources. This was brought about by the need for the CJC to investigate every complaint that was put before it. That has now changed. Previously, given the pressures of other work, the commission had been in a position to commit the full-time resources of only one team to this work—namely, six to eight investigators, one financial analyst, one lawyer and support staff with surveillance and technical unit support. That will increase.

Mr Santoro: They have done a good job.

Mr BEATTIE: I take that interjection. Indeed, they have. As to the Organised Crime Team—to this end, the commission has created an Organised Crime Team to

provide a progressive response to the challenge of organised crime. Its expertise is growing with its continued exposure to the task. In this regard, the commission was conscious of the experience of leading overseas crime fighting organisations such as the US Federal Bureau of Investigation, that is, the FBI, and the Organised Crime Division, which has made substantial inroads into the effectiveness of the Italian organised crime group La Cosa Nostra over a period of two decades. To the commission's knowledge, a number of ethnically based and other organised crime groups are active in Queensland, but have not previously been the subject of dedicated targeting on a continuing basis.

Overseas experience indicates that there is a long lead time in developing within law enforcement the expertise necessary to tackle such groups. The basic steps are—

the collection and analysis of all information available throughout the law enforcement community;

the establishment of an intelligence collection plan which actively seeks to capture intelligence on current criminal activities and to identify the principals involved in that activity;

the design of an operational plan for the pro-active investigation of the organisation, in particular by the use of surveillance, that is, mobile and electronic, undercover penetration by police agent—a very difficult long-term endeavour, the discovery of informants and attempts to encourage cooperation by peripherally involved persons to gather evidence, the pursuit of the money trail by financial investigators, and the conduct of secret hearings; and

the progression from operation to operation, widening the net by targeting the organisation rather than individuals, gradually working to the top of the tree.

Although the whole endeavour can be simply stated—as I have done—it is anything but simple in practice. It requires an understanding of the culture involved, including the language, organisation, attitudes, strengths and weaknesses of the principal players, infinite patience, and a preparedness to commit resources for the long term. It is expensive of resources for no immediate return and, therefore, requires the understanding, support and commitment of the supervising body such as the Parliamentary Criminal Justice Committee and the Parliament. The committee has certainly shown such an understanding.

When the FBI decided to undertake organisation-based rather than individually-based targeting, it was concerned that the necessary reduction in the "kill rate" would not be tolerated by its political masters. However, the US Congress showed great maturity in accepting the change in direction as a necessary step, as a result of which the long-term viability of the program was guaranteed. We need that very same maturity in Queensland, and I believe that that has been provided. As I mentioned previously, the CJC has the philosophy of acting wherever appropriate in combination with other law enforcement agencies, both local and interstate. It has formalised those arrangements with the Queensland Police Service, the Australian Federal Police, the Victorian Police Force, the State Crime Commission of New South Wales, the Australian Securities Commission, the Cash Transaction Reports Agency, the Independent Commission Against Corruption, and the Australian Taxation Office.

Time expired.

Darling Downs Regional Health Authority

Mr HORAN (Toowoomba South) (12.10 a.m.): On 18 March 1992, during the Matter of Special Public Importance debate on health services, I spoke about the crisis situation of the Darling Downs Regional Health Authority after 100 doctors of the Toowoomba and District Branch of the AMA and 28 visiting specialists at the Toowoomba General Hospital passed votes of no confidence in the regional director of the authority, Dr Ian Cumming. Such action was unprecedented and was later further fuelled by the inflammatory public comments of the member for Toowoomba North, Dr

Flynn, who said that the vote was not representative and very silly. Last night—five and a half months later—Dr Flynn stood in this House to criticise my use of parliamentary privilege to mention three issues. He would do well to remember that a medical colleague of his who went to him in good faith about the urology services at the Toowoomba General Hospital claims that he was grossly misrepresented by Dr Flynn in his speech to Parliament on 11 March, wherein Dr Flynn tried to portray that person as a greedy doctor. Dr Flynn would also do well to remember that I previously called for the Health Minister to visit Toowoomba as a matter of urgency to fix the crisis.

Firstly, Dr Flynn claimed that I was wrong to describe the regional director as having worked as secretary to John Kerin in the Hawke Labor Government, but then admitted that he had worked in the capacity of a bureau policy director in John Kerin's department. That position was senior enough for Dr Cumming to be part of a delegation to Russia with John Kerin. Secondly, Dr Flynn has a pretty poor memory of the meeting of representatives from St Vincents Hospital with former Health Minister, Mr McElligott, in Brisbane. That meeting had been arranged by me with the Minister, and as a courtesy I asked the member for Toowoomba North to attend. Unannounced and unknown either to me or the chairman of St Vincents Hospital, the regional director arrived from Toowoomba for the meeting. Two things were sought of the Minister: firstly, a rearrangement of a loan previously provided by the Department of Health to allow for urgent refurbishment of the maternity section airconditioning plant and, secondly, to advise the Minister of future plans to self-fund and build a new maternity section. To our amazement the regional director—who had not set foot in St Vincents Hospital and had sought no information from that hospital—proceeded to argue against both the loan rescheduling request and future maternity section plans. He did not appear to realise that St Vincents was the only private maternity hospital in Toowoomba, nor did he appreciate its major contribution to the region in providing maternity facilities. We were clearly torpedoed in our attempts to achieve better things for St Vincents.

My remarks on the question asked in the Victorian Parliament about whether Dr Cumming was sacked or resigned were based on that State's *Hansard*, and on reports of his confrontationist attitude. Checking has revealed claimed conflict with Castlemaine, the Loddon Mallee Health Authority, the Bendigo Hospital Board and the Minister for Health. The points of my speech on 18 May were: the initial acknowledgment of the achievements of the Darling Downs Regional Health Authority to date; the crisis of no confidence in the regional director by 128 doctors—now 200, and surely they are not all wrong; the reputation of confrontation during Dr Cumming's employment in health management in Victoria, and the clear picture that this is exactly the problem occurring now on the downs; and the recipe for innuendo when a Canberra bureaucrat with Victorian experience is selected for a position when just such placements were under severe Opposition and media attack. I told the Minister and the Parliament frankly and clearly what the situation was.

It is a pity that Dr Flynn has not referred to the vote of confidence taken in the regional director by the regional health authority—taken only after the only doctor on the authority had left the meeting. It is a pity that he did not table evidence of some of the complaints, problems and threats experienced by doctors in their dealings with the regional director and which have been presented in writing to the Minister for Health and the Premier. The Opposition shadow Minister for Health, Mrs McCauley, and I recently met with the regional director, his chairman and senior staff. That day, we also met with the Rural Doctors Association, the Toowoomba and District Branch of the AMA and the Western Downs AMA. As a result, Mrs McCauley has since spoken privately to the Minister for Health in a further endeavour to find a solution to this ongoing dispute. But now the member for Toowoomba North has brought it all up again. As a result, these things must be said again. Over 200 doctors have expressed no confidence in the regional director, and the convocation of the Queensland AMA—representing all State counsellors and Queensland branches—has supported those 200 doctors. The tragedy of the dispute is that, if Dr Flynn had got his head out of the sand and encouraged the Minister for Health to show some leadership, visit Toowoomba and fix the crisis, it could now be over, to the benefit of everybody concerned. However, both of them wimped

out, and a crisis of confidence continues to erode the Darling Downs Regional Health Authority.

Liberal Party

Mr ELDER (Manly) (12.15 a.m.): From time to time, I have been known to have a—

Mr De Lacy interjected.

Mr ELDER: I certainly will not. I would not consider it. I am a man of stronger and sterner stuff than that. From time to time in this place, I have had a kind word or two to say about the ailing Liberal Party. I particularly like to support it when it does its best to support our cause. Tonight is one of those occasions. Honourable members will recall that, in June, I spoke of the lack of commitment of the Liberals in rolling over to the Nationals concerning three-cornered contests in elections, and in particular the lack of commitment in north Queensland. I would like to quote from Joan "Look Tough in Leather" Sheldon when she visited Cairns. She said—

> "Winning seats in North Queensland in the next State election will be critical to the success of the Liberal Party."

At the time, I thought that was a very astute observation. She went on to say—

> "It is a big challenge . . . It is vital. We cannot be a viable party without widespread representation."

I thought that was another astute observation. She has the knack of stating the obvious. She continued in her unique, patronising way to say—

> "We have to show North Queensland that they are important to us and that we understand their concerns."

Mr T. B. Sullivan: What a disgraceful comment!

Mr ELDER: I agree. Having said that, she then said that she did not know the reason for the failure of the Liberal Party in the past. I suggest that the paragraph prior to that statement had something to do with it. If honourable members investigate the matter further, they will find that the recent Morgan poll shows clearly why the Liberals have problems. It reveals that the voters do not like their leader—but they are only human. Electors said of the Liberals that they are "not looking to the future", that they "don't know which way they are going" and that they are "unsure of policies". We have been reinforcing those notions in this place for a considerable time.

Mr T. B. Sullivan: And they are so negative.

Mr ELDER: They are extremely negative. They have been whingeing and whining. The interesting point is that Mrs Sheldon said, "We will be looking for credible candidates in those northern seats." With an election imminent and the Liberal Party's commitment to Queensland generally, and north Queensland in particular, under question, to date the party does not have candidates in more than 55 per cent of the seats in north Queensland. It is certainly not committed to three-cornered contests. In fact, I do not think it is committed to the election at all.

Mr J. H. Sullivan: They could have candidates, but they wouldn't be credible members up there.

Mr ELDER: I will come to the point about credible members, because it is an interesting one. After the election, the present member for Whitsunday will be returned with an increased majority. However, the Liberal Party has a candidate in that electorate who claims that he is a proven achiever, that he is active at present and that he is committed to the future. But what he does not say in the advertisement is that he is a Liberal candidate. He does not say that he is a Liberal candidate, but he is one of them. When it comes to these advertisements, I think he is a bit concerned about the credibility of his own party. It looks as though we will have phantom Liberals all over the north. Where is their commitment to the people of Queensland, in particular to the people of Whitsunday?

Mr T. B. Sullivan: Phantom Liberals or bantam Liberals?

Mr ELDER: Both. I think we would have to question the objectivity and honesty of the Liberal Party in this matter. It is interesting to note that, in the past few months, a number of Liberal candidates throughout Queensland have withdrawn.

Mr De Lacy: They have got to pay $10,000.

Mr ELDER: Exactly. The Liberal Party said, "We want credible candidates." They do not have to be in the Liberal Party; they just need to be credible.

Mr J. H. Sullivan: And $10,000.

Mr ELDER: Yes. I have heard a story about one who had won preselection for the Liberal Party. He was amazed. He thought it was marvellous. Then he was told, "There is a bill in the mail for $10,000, and we need it tomorrow." He withdrew immediately. The Liberal Party has to find some more candidates down my way to pay the bill.

Mr Ardill: They don't want credible; they want creditable.

Mr ELDER: Well said. Of course, at the time, Joan Sheldon said, "I have a united team behind me." I suggest to Joan that they are all on Harleys and they are leaving town with her tomorrow. The Liberal Party has no candidates, no policies and no leadership. I looked at the leadership angle. Mrs Sheldon said, "I have the highest rating of any Liberal leader." There have only been two of them—her and Denver. Poor old Denver was on 20 per cent approval rating and he increased it to 27 per cent. Mrs Sheldon walked in and immediately received 31 per cent, and now she has a 39 per cent approval rating. She has increased her rating by 8 per cent.

Mr Hamill: Lazarus is coming back.

Mr ELDER: He has been performing well in the House recently. However, the interesting figure that no-one ever considers is that Mrs Sheldon's disapproval rating has moved from 16 per cent to 33 per cent—double.

Time expired.

Motion agreed to.

The House adjourned at 12.20 a.m. (Thursday)