FRIDAY, 13 NOVEMBER 1992

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

PETITION

The Clerk announced the receipt of the following petition—

Nundah Shopping Centre

From **Mr Santoro** (849 signatories) praying that any initiative which would lead to the economic decline or closure of businesses in the Nundah Shopping Centre be not implemented.

Petition received.

STATUTORY INSTRUMENTS

The following documents were tabled by the Clerk—

Public Service Management and Employment Act—

Public Service Management (Departmental Changes) Order (No. 1) 1992

Public Service Management (Transfer of Part of Department) Orders (Nos. 2, 3, 4, 5, 6) 1992

Public Service Management (Transfer of Parts of Departments) Orders (Nos. 2, 3) 1992.

PAPERS

The following papers and reports were laid on the table of the House—

(a) Minister for Housing, Local Government and Planning (Mr Mackenroth)—

Review of the composition of Emerald Shire Council.

(b) Minister for Police and Emergency Services (Mr Braddy)—

Reports for 1991-92—

Port of Brisbane Authority

Bundaberg Port Authority

Ordered to be printed.

MINISTERIAL STATEMENT

Attack by Member for Nerang on Safe Work Queensland

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (10.02 a.m.), by leave: I rise to inform the House of the facts relating to baseless allegations raised last night by the member for Nerang. Under the guise of contributing to the Estimates of the Department of Employment, Training and Industrial Relations, Mr Connor attacked a reputable organisation and individuals. I am disappointed that that member of the coalition wasted valuable opportunities to raise important Budget-related issues so soon after the Opposition Leader complained in this Parliament about the limited amount of time available to debate the Estimates of departments.

The organisation which instead faced that attack is involved in the worthwhile activity of promoting workplace health and safety—Safe Work Queensland. Safe Work Queensland is a registered business name, registered by the man who is now the member for Waterford but who previously served ably as the general secretary of the Queensland Trades and Labour Council. Safe Work Queensland is a training organisation that provides health and safety training on behalf of the Trades and Labour Council, the Australian Workers Union and the Shop Distributive and Allied Employees Association. It is run by an administrative committee of representatives of those bodies. Mr Barton was a member of that committee.

The Division of Workplace Health and Safety provides funds to Safe Work, along with a range of other health and safety training bodies providing similar training for employers and workers. The funds support those groups' efforts in training worker representatives in basic health and safety. Employers and their associations receive exactly the same amounts to help meet the costs of training workplace health and safety officers. Funds paid to employers in this way are then paid to the relevant training organisations including, for example, the Queensland Confederation of Industry and the Metal Trades Industry Association.

In 1992-93, the division will spend up to $700,000 on supporting the training of workplace health and safety officers and representatives. This is a contribution towards reducing the annual $1 billion cost to Queensland industry of work-related disease and injury. The funds are allocated on the recommendation of the Workplace Health and Safety Council, a tripartite body including representatives of Government, employers and trade unions. The statements made by Mr Connor were inaccurate and irresponsible.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (10.05 a.m.): I seek leave to move a motion without notice.

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

AYES, 31		NOES, 49	
Beanland	Stoneman	Ardill	McElligott
Borbidge	Turner	Barton	Milliner
Connor	Watson	Beattie	Nunn
Cooper		Bennett	Nuttall
Davidson		Bird	Palaszczuk
Elliott		Braddy	Pearce
FitzGerald		Bredhauer	Power
Gilmore		Briskey	Purcell
Goss J. N.		Budd	Pyke
Grice		Burns	Robertson
Healy		Casey	Robson
Hobbs		Clark	Rose
Horan		Comben	Smith
Johnson		D'Arcy	Sullivan J. H.
Lester		Davies	Sullivan T. B.
Lingard		De Lacy	Szczerbanik
McCauley		Dollin	Vaughan
Mitchell		Edmond	Warner
Perrett		Fenlon	Welford
Quinn		Foley	Wells
Rowell		Gibbs	Woodgate
Santoro		Goss W. K.	
Sheldon		Hamill	
Simpson	*Tellers:*	Hayward	*Tellers:*
Slack	Springborg	Hollis	Pitt
Stephan	Laming	Mackenroth	Livingstone

Resolved in the negative.

Mr HOBBS having given notice of a motion—

Mr SPEAKER: Order! The Chair has some concern about that notice of motion. I will look at it and rule whether it is in order.

PERSONAL EXPLANATION

Mr BARTON (Waterford) (10.14 a.m.), by leave: I have been seriously misrepresented in this House by the member for Nerang, and I wish to set the record straight. It was claimed that I may have benefited improperly by my association with the Safe Work training scheme. The fact of the matter is that Safe Work Queensland is a formal subcommittee of the Trades and Labor Council of Queensland. Its principal role is to train people on occupational health and safety issues in line with the Workplace Health and Safety Act. Safe Work Queensland receives funding from the Workplace Health and Safety Council, as do other organisations such as the National Safety Council of Australia, Queensland Division, and the Queensland Confederation of Industry, which are represented on that council. All funds are held by the trustees of the Trades and Labor Council of Queensland, all cheques require three signatures, and all accounts are audited annually.

Safe Work Queensland is registered as a business name and, as the Trades and Labor Council of Queensland is not an incorporated body, it was necessary for the registration to have the name of a person. As the General Secretary of the Trades and Labor Council of Queensland, that responsibility fell to me. Safe Work Queensland is not, and was not, operated by me. It is managed by a committee of which I was a member. When the election for the position of general secretary is concluded, that responsibility will be transferred to the new office-holder—my successor.

In regard to the Workers Health Centre—I want to point out that it is completely independent in terms of its ownership and management.

Mr SPEAKER: Order! The member is starting to debate the issue. He is supposed to show how he has been personally affected or misrepresented. I would like him to do that.

Mr BARTON: I certainly am personally affected by those statements. In relation to the Workers Health Centre——

PRIVILEGE

Office of Profit under the Crown

Mr FITZGERALD (Lockyer) (10.16 a.m.): I rise on a matter of privilege. I raise a very serious concern that I have.

Government members interjected.

Mr SPEAKER: Order! The Chair must hear a matter of privilege suddenly arising. I call the member for Lockyer.

Mr FITZGERALD: I am very worried that the matter of office of profit under the Crown could possibly be a concern to this House. It has been referred to on previous occasions when members have entered this place and received money in their name under the Crown. I raise this matter of privilege for the information of Mr Speaker.

PERSONAL EXPLANATION

Mr BARTON (Waterford) (10.17 a.m.), continuing: In regard to the Workers Health Centre—I want to point out that it is completely independent in terms of its ownership and management. Both as General Secretary of the Trades and Labour Council of Queensland and as an individual, I am not and have not been involved in its ownership or management. These claims are no more than a crude and clumsy attempt by the member for Nerang to smear me, and I reject them absolutely.

PERSONAL EXPLANATION

Mr CONNOR (Nerang) (10.18 a.m.): I have been personally maligned by the Minister for Employment, Training and Industrial Relations. I simply asked the member for Waterford to explain the position.

Mr MACKENROTH: I rise to a point of order. The honourable member is using this place to debate the issue. Last night, in this Chamber, he attempted to continue the Opposition tactic of tipping buckets on people, and now he wants to debate the issue in this place.

Mr SPEAKER: Order! I remind the honourable member for Nerang that last night he did make a statement in this Chamber. I will not allow him to debate the issue again. The honourable member is now allowed to put to the House only how this ministerial statement by the Minister personally misrepresented him.

Mr CONNOR: As I said before, the Minister, in a ministerial statement, personally maligned me and the member for Waterford. I specifically asked the member for Waterford to explain what happened. I have taken no actions whatsoever. I would be happy to accept the explanation of the member for Waterford if he tables the relevant documents. The Workers Health Centre has not been properly explained. It is at the same address as the Trades and Labour Council; it is on the same switchboard; and $120,000 of taxpayers' money has gone towards it.

PARLIAMENTARY COMMITTEE FOR CRIMINAL JUSTICE

Report

Mr DAVIES (Mundingburra) (10.20 a.m.), by leave: I table the final report of the first Parliamentary Criminal Justice Committee, which was published by that committee on 25 August 1992 pursuant to section 4 (2) of the Parliamentary Papers Act 1992.

This report, the first committee's eighteenth, is the report required by the committee within three years of its appointment pursuant to section 4.8 (1) (f) of the Criminal Justice Act 1989-92. It is the committee's evaluation of the Criminal Justice Commission over the last 28 months. The committee's reports Nos. 9 and 13 on monitoring and reviewing the CJC, which were tabled on 16 July 1991 and 3 December 1991 and were designated as Parts A and B respectively, comprehensively reviewed the CJC's activities, functions and powers and made recommendations for amendment of the Criminal Justice Act. While the Act specifically envisages that this three-year report will make recommendations for amendment of the Act, circumstances were such that the effective working of the CJC necessitated consideration of the Act's shortcomings as early as 1991.

In Part C of the report on the monitor and review process, the first committee endorsed the recommendations for amendment made in the committee's thirteenth report and, in the light of more recent experience, made several further recommendations for amendment of the Act. This report includes a submission to the committee from the Criminal Justice Commission which specifically responds to the committee's recommendations in report No. 13 and gives an overview of the commission's activities over the last three years. The report is the culmination of a considerable effort by the first committee, of which I was a member for its last six months.

I acknowledge the hard work of the former chairman, Peter Beattie, MLA, and former members of the committee and the assistance provided by the CJC. I especially thank Sir Max Bingham, QC, retiring chairman of the commission, for his encouragement of the process of accountability and his openness with the committee in fulfilling its role in scrutinising the commission. I also acknowledge Sir Max's tireless and often thankless work as first chairman of the Criminal Justice Commission and take this opportunity to thank him on behalf of the committee for building up the CJC to the point at which it is contributing to the reform of the Police Service and public administration in Queensland. I also thank the staff of the committee and all who have contributed to the reform process in Queensland over the last three years.

QUESTIONS WITHOUT NOTICE

Queensland Tourist and Travel Corporation Chairman

Mr BORBIDGE: In directing a question to the Premier, I refer to recommendation 65 of the Victorian royal commission of inquiry into Tricontinental involving certain actions of the Chairman of the QTTC in particular deals which—

> ". . . have an air of contrivance about them which warrants further investigation by the Australian Securities Commission. The amounts involved and the possible fraudulent nature of the activities are sufficient to justify such a course, which the commission recommends."

I ask: what is the difference between a royal commission recommendation in Victoria and a commission of inquiry in Queensland which led him to demand that people adversely mentioned must stand aside from public office?

Mr W. K. GOSS: In relation to the reference to the royal commission's report, let me say that I have not read it. As it has been related to this House, there has been a suggestion that there may be matters requiring an investigation by the ASC. The ASC is not a body over which this Government has jurisdiction, as the member well knows.

Mr Borbidge: So it doesn't matter.

Mr W. K. GOSS: No. It does matter, but it is up to the ASC.

Mr Borbidge: You are protecting your crony. You are protecting your crony, aren't you?

Mr W. K. GOSS: Mr Speaker, that comment is untrue and offensive. I seek its withdrawal.

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

Mr BORBIDGE: Mr Speaker, I withdraw the comment that the Premier was protecting his crony.

Mr SPEAKER: Order! Honourable members, the practice that has been engaged in by members on both sides is that when they are asked to withdraw comments, they do not withdraw them but simply add comments to what has already been said. In future, the Chair will not countenance that practice.

Mr W. K. GOSS: Mr Speaker, I seek an unequivocal withdrawal of the term used by the member.

Mr BORBIDGE: I was merely making sure that everyone knew what I withdrew. I have withdrawn the comment.

Mr W. K. GOSS: Mr Speaker, has it been withdrawn?

Mr SPEAKER: Yes, it is withdrawn.

Mr W. K. GOSS: If the ASC pursues that matter which is under its jurisdiction, that is a matter for the ASC. This Government will act appropriately on the outcome of any ASC investigation. That is our proper responsibility and we will discharge it. As for the personal reflections pursued by the Leader of the Opposition in respect of me and Mr Laurance, let me assure members of the Opposition in the terms that I used yesterday: members of the business community despise the approach of smearing prominent business people who have any association with this Government. It is not just the Laurances, but the Tuckers and the Hielschers as well.

Mr Borbidge interjected.

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

Mr W. K. GOSS: I think it was said on one program this morning that people such as Mr Laurance used to be among big contributors to the Opposition parties in years gone past.

Mr Borbidge interjected.

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

Mr W. K. GOSS: Let me assure each and every one of you that right up and down Eagle Street and Queen Street, with tourist operators and prominent business people from Coolangatta to Cairns, I will nail the muck that your leader——

Mr Cooper interjected.

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

Mr W. K. GOSS: I am going to nail the muck that your leader is throwing at the business community to your lapels right up and down the business community of this State.

Mr Johnson interjected.

Mr SPEAKER: Order! I warn the member for Gregory for interjecting under Standing Order 123A. Today, I am going to hear the answers.

Mr W. K. GOSS: That is why the business community is turning away from you and turning to us, because we are a pragmatic results-oriented Government, as the *National* magazine states today. It describes how Australia is holding Queensland back. I will make sure that people in the business community know that the National Party and the Liberal Party members throw muck at them whenever they develop a profile and are associated with the Government. I am going to nail to you in the business community boardrooms from one end of this State to the other the muck that you throw.

Mr LINGARD: I rise to a point of order. Mr Speaker, I ask: are you going to allow Government members to refer to the Opposition as "you", or are you going to ask them to address the Chair?

Mr SPEAKER: Order! Members know that they must address their comments to the Chair. The member for Beaudesert is correct in pointing out that they should not say "you", but members on both sides of the House say it at all times. I ask members to address their comments to the Chair.

Queensland Tourist and Travel Corporation Chairman

Mr BORBIDGE: In directing a further question to the Premier, I refer to the pecuniary interest declarations that are required to be lodged by members of Parliament, by Ministers and by departmental officers, and I ask: in view of his admission that he was unaware of the level of indebtedness by the Chairman of the QTTC, Mr Laurance, to Tricontinental, most of which has now been wiped and has been met by the Victorian taxpayer, was Mr Laurance required to lodge a declaration? If not, why was he exempt?

Mr W. K. GOSS: I do not know whether or not Mr Laurance was required to lodge a declaration. If the member thinks it is important, I will inquire into that matter.

Mr Borbidge: Section 6—Liability.

Mr W. K. GOSS: As I understand it from the muck that has been thrown around in this Chamber and going by what the honourable member says—I do not know it—the liability relates to companies and not to Mr Laurance personally. In any event, I understand also that there has been a full discharge of those liabilities.

Mr Borbidge: How much did he pay back?

Mr W. K. GOSS: I do not know how much he paid back.

Mr SPEAKER: Order! I warn the Leader of the Opposition, and this is his final warning.

Mr W. K. GOSS: As I have said before and as I will say again, that is not necessarily a matter that requires the attention of this Government. However, if you are saying to all members of the business community and if you are espousing the principle——

Mr Lingard interjected.

Mr SPEAKER: Order!

Mr W. K. GOSS: If you are going to insist that all members of the business community provide details of their personal liabilities and interests as well as details of their corporate interests on a public record before they can participate in any way in public life, then I will nail that to you in the boardrooms of this State as well.

If the member genuinely can point to any misconduct by any person and has evidence to support it, let him say so and let the general smearing end. These people—I mean, members of the Opposition; I am sorry that I used the word "you" before, but it was the politest word that I could think of at the time—started the Forty-seventh Parliament with a smear, and it has been buckets and muck day in and day out ever since, because they have nothing else to offer. I am going to make sure that every person in Queensland knows what sort of man——

Mr Hobbs interjected.

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

Mr W. K. GOSS: I am going to make sure that every person in Queensland knows what sort of man members of the Opposition have elected as their leader, and they will have to wear him day in and day out.

Queensland Tourist and Travel Corporation

Mr PITT: I ask the Minister for Tourism, Sport and Racing: can he comment on Opposition claims that he is not interested in the QTTC?

Mr GIBBS: As the Premier has so rightfully identified, in the past couple of days we have seen the most appalling attack not only on an individual but also on an organisation, that is, the Queensland Tourist and Travel Corporation, which has been accused of non-achievement and non-performance. That reflection is not only on the Chairman of the Queensland Tourist and Travel Corporation but also on every employee of the QTTC, both here and overseas, and on all board members of the Queensland Tourist and Travel Corporation. I am certainly happy to answer that question. Let us consider the achievements of the Queensland Tourist and Travel Corporation over the past three and a half years. Let us consider the achievements of the organisation that the Opposition Leader and the Leader of the Liberal Party have deemed to be a failure.

This year, Sunlover sales were up 31 per cent on last year's sales. The QTTC has grown into Australia's largest wholesaler of domestic holidays in Australia and overseas. This year, for the first time ever, Sunlover recorded an operating profit. The former Government could never get it to run on a profitable basis. I repeat that this year, for the first time ever, Sunlover has recorded an operating profit. This year, also for the first time ever, Atlas—the computerised central booking service—produced an operating profit. When the Government came to office, Atlas was becoming obsolete—a thing of the past. The Government spent money on it. Money has been invested. Atlas is now recognised as being one of the best services of its type.

This financial year, through its marketing, its professionalism, the dedication of its staff and the dedication of its board, the QTTC has achieved a 20 per cent increase over all past years in the number of international visitor nights in Queensland. This year, the number of international flights has increased by more than 30 per cent—I repeat, more than 30 per cent. It is not just this year that the number has been increasing; it has been increasing ever since this Government came to office. Japanese visitation to north Queensland has increased by 94 per cent—an astounding growth rate. How many members opposite who represent electorates in north Queensland can say that the QTTC is a non-performing organisation? Those members should tell that to the tourist operators in Cairns and in Townsville. They should tell that to the tourist operators out in the country areas that are represented by members opposite. A record number of tourists are visiting those areas.

The number of visitor nights in Brisbane has increased by 34 per cent. In the past three weeks, two most exciting announcements were made: firstly, that Air New Zealand, which will become one of the largest airlines in the Asia/Pacific region, is going to organise itself to make Brisbane its major hub, which I understand will create something like 9 600 jobs over the next three years in Brisbane and in other places in Queensland; and, secondly, that Singapore Airlines has now been granted landing rights in Australia and, as a result of the direct negotiation by the Government and the Queensland Tourist and Travel Corporation, will provide daily flights into Brisbane by 1994.

Is that a record of failure? Is that a record of non-achievement? Of course, it is not. One can only judge an organisation on facts and on figures, and the facts and the figures speak for themselves. A disgraceful attack was made by the Leader of the Opposition and a disgraceful innuendo was made by the Leader of the Liberal Party. They continue to knock an organisation which is shattering records not only

domestically but also internationally. The point made by the Premier is absolutely correct. The Opposition parties are becoming loathed among the tourist industry of Queensland. It is true that, in certain pockets of this State, members opposite have isolated supporters—some of the flunkeys whom they appointed. Those supporters are still there in the background, niggling away, hoping for some huge comeback by that lot over there; but it will not happen. Members opposite are doing a grave disservice to what is the fastest growth industry in this State.

Queensland Tourist and Travel Corporation

Mr PITT: I ask the Minister for Tourism, Sport and Racing: is he able to comment on claims by the Opposition that the QTTC is out of control?

Mr GIBBS: Again, I am happy to respond to the question. I have talked about the performance of the QTTC; now let us consider the accusation that it is supposedly out of control. Firstly, let me say how in control the QTTC was when that motley crowd were in office a couple of years ago. What the Chairman of the QTTC said last night is exactly correct. Under the National Party Government, the Queensland Tourist and Travel Corporation had become known in business circles as the riverside branch of the National Party. It had become an employment agency for the National Party. Why do a couple of members of that former Government who are still sitting in this House not put up their hands and confess to how many jobs they got in the QTTC for some of their friends? Why do they not put up their hands and tell the House how many members of their direct families were given jobs at the Queensland Tourist and Travel Corporation?

Why does the Leader of the Opposition not tell this Parliament how many times he used to be on the telephone giving directives to the Queensland Tourist and Travel Corporation to issue press releases in his name to make the previous Government look good? From day one when we took office, and from the very first time that I sat down with the then Manager of the QTTC, the first instruction I gave was that the political use of that organisation was to cease. I invite the Opposition to go down to the QTTC and check the records for the past three and a half years and see how that practice has stopped. To a large degree, we leave the QTTC alone to run as a professional organisation. No longer is it used as a tool.

Let us look at the performance of the QTTC under the National Party Government. When I went into the QTTC, one of the amazing things that I found was its lavish and extravagant premises, which unfortunately it still has to occupy. I will tell honourable members why the QTTC has to occupy those premises. It was because this pack of dills was so financially astute——

Mr SPEAKER: Order! That word is unparliamentary. I ask the Minister to withdraw it.

Mr GIBBS: I withdraw it. The National Party Government was so non-financially discreet that it tied the QTTC to a 10-year lease which does not expire until June 1997. That lease is currently costing the corporation $1.1m a year. Is that not a brilliant track record of financial genius? Since we have been in Government, the chairmen of the new board of the QTTC have on a number of occasions tried to obtain, at South Brisbane, premises which would cost $50,000 a year. But we have been unable to do that because we cannot get out of the 10-year lease contract. The financial genius of the former Government is costing this State more than $20,000 a week. More than $20,000 a week has been wasted in rentals because of a contract that the former Government signed and to which it bound the Queensland Tourist and Travel Corporation. That $20,000 a week could be going into the better promotion and marketing of Queensland's product.

Let me tell honourable members of the other outstanding business deal that the National Party Government did. In recent times, when we did a complete overhaul of the Queensland Tourist and Travel Corporation, we discovered that there was a need for some changes to be made to its administration and its structure throughout the State. One of the wasteful components that we identified related to some of the outpost

offices that the QTTC had to establish in various locations to help the National Party politically throughout Queensland. But the most disgraceful waste of all was the lease over the office in Townsville. Some $100,000 a year was being paid in rent for the Townsville office. And guess to whom it was being given? It was a 10-year contract at $100,000 a year. A million dollars was given to none other than George Chapman, who at that time was a former director of the Queensland Tourist and Travel Corporation. Under the National Party Government, he sat on the board and was a recipient of a lovely little financial bonus in the back pocket.

Let me address some of the other matters that were raised on the *7.30 Report* and which have been alluded to by people in this Parliament. Yesterday, I mentioned the fact that this bloated organisation—and that is what it was when we came into office, bloated—used to have on staff a full-time catering manager costing $30,000 a year. The QTTC had that full-time catering manager because of the lavish boardroom lunches that it used to put on for people down there. It was an endless river of the very best wine that one could find. It cost $30,000 just to put the caterer on a contract each year. Expenses were above that. The very first thing that the new chairman and the board did was call the caterer in and say, "Sorry, the picnic is over. It is all finished. We won't have these lavish boardroom lunches." As I pointed out yesterday, boardroom lunches down there now comprise tea, coffee and sandwiches—except for the occasions when it is necessary to entertain, for example, people from international airlines who are coming into Queensland for discussions. In that case, obviously there is a need for something different.

The QTTC used to print its own menu for the boardroom lunch, pointing out what a person could order. It was not just a menu stating that today's main course will be rack of lamb, or the one that our friend from Southport loves, the speckled rock cod under a different name. It was not that. When the National Party was in Government, people had their choice of meals.

Mr SPEAKER: Order! The Minister is starting to debate the issue.

Mr GIBBS: Mr Speaker, I am trying to point out exactly what took place down there. I will finish on this point, because this is important.

Mr FitzGerald: Nine minutes.

Mr GIBBS: If it is necessary in order to defend the track record of the QTTC, with which I have a very close relationship, I will take half an hour.

Mr SPEAKER: Order! The Minister will not.

Mr GIBBS: The Chairman and employees of the Queensland Tourist and Travel Corporation who travel on business——

Mr Lingard interjected.

Mr SPEAKER: Order! The member for Beaudesert!

Mr GIBBS: —for the corporation stay in standard rooms at normal industry rates. Honourable members will understand that the practice within the tourist industry is that when a booking is made for accommodation at the standard industry rate for people in the tourism industry, in a normal situation management will very often upgrade that accommodation to another type of accommodation.

The final point is this: as the Leader of the Opposition well knows—and this is a disgraceful smear to which he has been a party, because as a former Minister for Tourism he would know this—all overseas travel undertaken by the Chairman of the Queensland Tourist and Travel Corporation and board members is done——

Mr CONNOR: I rise to a point of order. Mr Speaker, I draw your attention to Standing Order 70 (iii).

Mr GIBBS: —at travel agency rates, which are only 25 per cent of the normal fare.

Queensland Tourist and Travel Corporation Chairman

Mrs SHELDON: In directing a question to the Premier, I refer to the annual report of the QTTC, released yesterday, in which there is no reference to the personal expenses of its chairman, Peter Laurance, and I ask: will he table all details of expenses incurred by Mr Laurance, including travel, accommodation and entertainment costs that have been met by Queensland taxpayers? Does the Premier agree with his Labor colleague Mr Lavarch, who yesterday said in Federal Parliament that the QTTC Chairman should be sacked, or is Mr Lavarch only using smear tactics?

Mr W. K. GOSS: I would presume and expect that the annual report of the QTTC, which I have not read, tables and provides all the information that is required under the Financial Administration and Audit Act. If the Deputy Leader of the Coalition seeks further detail, I suggest that she display intelligence and an understanding of the Standing Orders and direct her question to the responsible Minister.

As to the second part of the question—Mr Lavarch is entitled to his views. I do not happen to agree with them. I do not subscribe to the view——

Mr Santoro: Is this smearing?

Mr W. K. GOSS: It is not. Mr Lavarch was——

Mr Santoro: That's not a smear, is it?

Mr W. K. GOSS: The honourable member obviously wants to prolong this. That is fine. Let us get it straight. I do not happen to agree with him, but Mr Lavarch was referring to a particular 2.4 seconds out of a 45-second advertisement. In relation to the appropriateness of that two and a half second component of that advertisement—Mr Gibbs and I happen to agree with the position taken by people such as Mr Lavarch that it was inappropriate. In its original form, in marketing terms, it was a very good advertisement. In its present form, appropriately corrected, it is a very good advertisement. People all around this place are running around saying, "Yo! Way to go!" Even they have picked it up. It is a successful marketing exercise, which is the aim of that advertisement.

Under the policies of this Government—which are being competently carried out by the QTTC—a huge increase is occurring in tourism numbers. The Minister, Mr Gibbs, referred earlier to the success of the tourism industry. That industry is creating tens of thousands of jobs. When members of the Government enter the public debate, they will say to people that while Opposition members are knocking and adopting smear tactics, the Government is getting on with the most important task: creating jobs. The jobs created in the tourism industry are a significant reason why Queensland is leading the country in terms of the lowest unemployment rate and the highest job creation. The Government is doing something positive. I will nail the member for Caloundra—whatever she is the Deputy Leader of——

Mrs SHELDON: I rise to a point of order. Apart from the Premier being his usual offensive self, my question asked him to table Mr Laurance's personal expenses. My question had nothing to do with the drivel that the Premier is now speaking.

Mr W. K. GOSS: I have answered that part of the question. I am now answering the second part of the question. If the Deputy Leader of the Coalition wants to ask questions, she will receive answers. If she does not like the answers, I will make them longer.

The Deputy Leader of the Coalition referred to smears. From the first day of this sittings of Parliament, in conjunction with the Leader of the Opposition, she has engaged in a deliberate tactic of throwing mud. On the first day of the Forty-seventh Parliament, we saw a smear on the Speaker and his wife which was unfounded and untrue. That was followed by a smear on Mr Laurance and then Mr Barton——

Mr BORBIDGE: I rise to a point of order. I find the comments made by the Premier to be totally offensive. The Opposition will not cop this constant abuse from the Premier. The Opposition expects that the Standing Orders will be upheld. Every

morning this week, when the Opposition has raised an issue of accountability, the Premier has resorted to personal abuse. I seek the withdrawal of that comment.

Mr SPEAKER: Order! The Leader of the Opposition finds the comments to be offensive. I ask the Premier to withdraw them under Standing Order 119.

Mr W. K. GOSS: I withdraw in the broadest and grandest possible terms that I can. I stated before that the Leader of the Opposition and the Deputy Leader of the Coalition had engaged in a deliberate tactic to smear. I withdraw that. I say again that the smear from the member for Beaudesert——

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I draw your attention to your ruling in regard to me earlier during question time, when I was brought to order. You indicated that if any other member subsequently tried the same tactic, you would take action against that member. The Premier has just done that.

Mr SPEAKER: Order! I call the Premier.

Mr W. K. GOSS: I withdraw absolutely. I conclude by saying——

Mr Lingard: In Inala, they used to call you "Flossie".

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

Mr W. K. GOSS: I do not remember the honourable member from Inala High School, but maybe that is because I blocked him out. In common with many other people, I try to keep my distance. I conclude by saying that I withdraw absolutely. In terms of the smear perpetrated by the member for Beaudesert that was published in the *Sunday Mail*—I knew about it beforehand, as did the Leader of the House and half of the press gallery. However, Mr Borbidge did not.

Mr P. Laurance

Mrs SHELDON: In directing a second question to the Premier, I refer to a letter from Tricontinental tabled yesterday in this House. In light of the repeated refusals of Mr Laurance in a number of media interviews over the last 24 hours to state whether or not he paid back $80m of taxpayers' funds, I ask: can the Premier inform this House why he continues to defend Mr Laurance as a fit and proper person to chair the QTTC when there is every indication that Victorian taxpayers, and not Mr Laurance, have met the $80m bill?

Mr W. K. GOSS: As I have said before, as far as I am advised, a commercial settlement has been reached between the companies associated with Mr Laurance and the Victorian interests. It is quite common in commercial affairs and, as the Deputy Leader of the Coalition well knows, with some of her prominent colleagues in the Liberal Party, including her President—and if she wants me to canvass that matter——

Mrs SHELDON: Mr Speaker, this has nothing to do with the President of the Liberal Party. Mr Speaker, would you direct the Premier to answer the question?

Mr W. K. GOSS: All I am saying is that it does not matter whether it is the person who she is attacking, whether it is Mr Everingham or whoever——

Mrs Sheldon: King of smear.

Mr W. K. GOSS: I want to make it plain——

Mrs Sheldon: Wayne "King of Smear" Goss.

Mr W. K. GOSS: I want to make it plain that I am not in any way suggesting any misconduct on the part of Mr Everingham. I am not aware of any misconduct on the part of Mr Everingham in relation to his affairs in Queensland. However, the point that I am making is that it is a regular and usual occurrence for people in business, and in their private affairs, from time to time——

Mr Connor interjected.

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

Mr W. K. GOSS: From time to time, it is usual for people to become involved in disputes arising out of commercial transactions and for those disputes to be settled on a commercial basis. I understand that the dispute to which the member refers has been settled on a commercial basis. Other than that, I have no further interest. I say again that Mr Laurance and the people who have been appointed to the board have been appointed for one reason, and one reason alone, that is, to engage in the successful expansion and marketing of Queensland's tourism industry. If they continue to carry out that job, they can stay as members of the board. If they do not carry out that job, the Government will appoint other people to the board.

Queensland Tourist and Travel Corporation

Mr LIVINGSTONE: I refer the Minister for Tourism, Sport and Racing to comments attributed to members of the Opposition that he has little interest in the Queensland Tourist and Travel Corporation, and I ask: can he inform the House of the true situation?

Mr GIBBS: I take a great interest in the affairs of the Queensland Tourist and Travel Corporation. The regular fortnightly briefings I have with members of the Queensland Tourist and Travel Corporation keep me up to date with exactly what is occurring within the corporation. In addition, my office has daily contact with the Queensland Tourist and Travel Corporation on various matters. Recently, the department has been busy dealing with matters related to the granting to Singapore Airlines of landing rights at Brisbane Airport. The department is in constant contact with the Queensland Tourist and Travel Corporation over various problems that may arise within the tourist industry in Queensland.

I find strange the comments that were made by the Opposition. One would have thought that if the Opposition's attitude was that I was not interested in the affairs of the Queensland Tourist and Travel Corporation, I would be inundated with questions in this Parliament about the corporation's performance. Over the past three years, the number of questions that have been directed to me about not only the Queensland Tourist and Travel Corporation but also other matters have been almost nil. If I was not interested in the affairs of the Queensland Tourist and Travel Corporation, surely the Opposition spokesperson on Tourism, the member for Southport, would have asked me questions about it. Over the past three years, he has asked me only four questions about the tourist industry. I would say that if there is a lack of interest in the affairs of the Queensland Tourist and Travel Corporation, it is displayed by members opposite.

Mr BORBIDGE: I rise to a point of order. The Minister is heading for a new record for the second time this morning. So far during question time, he has spoken for 12 minutes.

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

Mr GIBBS: It is a coincidence that those comments about my supposed lack of interest in the affairs of the Queensland Tourist and Travel Corporation were made yesterday. Further evidence of my so-called lack of interest in the Queensland tourism industry or the affairs of the Queensland Tourist and Travel Corporation is my hosting this morning of a morning tea at Parliament House, which was attended by leading people from the tourist industry and the commerce sectors from China, to talk about how Queensland can become involved in the expanding tourist industry in China. It is strange that a great compliment——

Mr CONNOR: I rise to a point of order. Mr Speaker, I draw your attention to Standing Order No. 70 (iii). The Minister has spent 10 minutes answering this question already.

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

Mr GIBBS: This morning, the comment was made to me by a gentleman from Shanghai that the Government and its record on tourism is so well known in China that even I am known in Shanghai. I conclude by saying that I am so interested in the tourism industry that I give this House the undertaking that I will never paint an imported plane in Queensland livery at a cost of $130,000 and fly it into Queensland with a load of champagne-guzzling journalists from Singapore, which is something that the Leader of the Opposition did when he was the Minister for Tourism.

Wilsonton State School

Mr LIVINGSTONE: I refer the Minister for Education to claims made by the member for Toowoomba North that the Government has misrepresented the level of funding for education facilities in Toowoomba, particularly in relation to the Wilsonton State School, where he claims that the Government will not be able to accommodate any future enrolment increases, and I ask: is this the case? Can the Minister inform the House and the people of Toowoomba of the actual situation?

Mr COMBEN: I am aware of the false and misleading claims that have been made by the member for Toowoomba North. I must say that I hope that those false and misleading claims have been made in naivety rather than laziness, which recently has been demonstrated often by members of the Opposition, particularly those who sit on the front bench. As a new member, the member for Toowoomba North has participated in the affairs of Parliament and has made claims which are patently false. He stated—

> "Nowhere in any Budget papers that I have seen relative to capital works programs, either before the election or after, could I see any reference to funding being provided specifically for Wilsonton State School."

I have to say to the member that if he had made one telephone call to my office, to the Department of Education or to the Darling Downs Regional Office, he would have received a straight answer. However, I will give the member the straight answer. Clearly, he does not understand the Budget papers. Firstly, it is believed that there is adequate accommodation for existing enrolments at that school. Any concerns that have been expressed by the member relate to what might happen at some time in the future rather than to the existing situation. Secondly, officers from the needs analysis section of the Resource Management Directorate will visit the school within the next week to undertake an accommodation survey for the school. If the survey indicates the need for additional accommodation for the 1993 school year, this will be provided for as a matter of course. If the accommodation is needed, we will provide it.

The moneys for additional accommodation in schools where unforeseen enrolment growth has occurred are provided for in a specific line item in the Capital Works Program. That line item is shown as "Additional Accommodation". For the benefit of the honourable member, I table page 41 of Budget Paper No. 6. There he will see that $4m has been provided for additional accommodation in primary schools, which is certainly more than sufficient to cater even for that State school. The member should read the Budget papers, make a phone call, do a bit of hard work, and then he might get somewhere.

Emergency Services

Mr COOPER: In directing a question to the Minister for Police and Emergency Services, I refer to strong and persistent rumours within the rank and file of both the Ambulance Service and the Fire Service that the Government has a commitment and an agenda that would have as its final outcome some sort of amalgamation of those services, and I ask: will he give a firm and categorical assurance that he and his Government do not intend in any way to move towards any form or shape of amalgamation of all emergency services in Queensland, and that the independence,

integrity and traditions of all elements of emergency services will be defended and maintained?

Mr BRADDY: The Government is very proud of the work that has been done in relation to emergency services in the course of this Government's period in office. By offering opportunities for various services within the Bureau of Emergency Services to work together, this has brought about multiskilling and a greater degree of understanding, cooperation and coordination in those services than ever occurred before under the previous system whereby those services were split not only among themselves but around the State. There is no intention on the part of the Government to move to combine the Fire and Ambulance Services into one service. What we are about is cooperation, coordination and working together. Exercises are being carried out to pursue and foster that cooperation and coordination. But the rumour to the effect that those services will be combined into one overall service is not accurate.

Upgrading of Railway Lines

Mr BENNETT: In directing a question to the Minister for Transport, I refer to page 3 of the National Party document that was released during the election campaign, in which the Opposition pledged to upgrade the flood tolerance of the main trunk railway lines to at least Q100, that is, 1 in 100 years susceptibility to flooding, and the western railway lines to Q50, and I ask: can he inform the House of the economic practicalities of that bold promise?

Mr HAMILL: I welcome the question from the honourable member for Gladstone, because it puts into stark contrast this Government's approach to the Capital Works Program which is being undertaken to rebuild Queensland's rail network and the wild promises that were put forward by the Opposition, supposedly as an election platform. I am disappointed that my good friend the member for Gregory is not here this morning. However, I was intrigued to learn that those wild promises were being made by a National Party that was desperate to try to obtain some credentials as having some vision for the future.

This Government went into the election with a clear commitment to upgrading and rebuilding Queensland Rail. Indeed, a $526m program was announced not only to upgrade the North Coast Line but also to improve substantially the south-western railway lines of the State, as well as acquiring new rolling stock. The Opposition went to the election with a commitment to have flood immunity to a 1 in 100 standard on the North Coast Line. I do not know who was advising those people when they put forward that wild claim. The member for Burdekin would well know the low-lying areas that exist, for example, near the Haughton River. To provide the sort of flood immunity that was envisaged in the National Party policy in that 40-kilometre section of railway line alone would require an embankment to be built some 2 metres to 3 metres above the existing level of the track. The cost of work in that section alone would arguably be of the order of $300m to $400m.

No doubt that policy was brought forward by one of the Opposition Transport spokesmen. For flood immunity in western Queensland to reach a 1 in 50 standard between Hughenden and Cloncurry alone would mean the construction of a further embankment over some 392 kilometres of track. It would go down as one of the greatest engineering constructions in the modern world. It would rival the Great Wall of China. One could only call it "Johnson's dyke". It would be a most amazing construction.

Mr Ardill: They tried it and failed.

Mr HAMILL: I take the honourable member's interjection. It would be irresponsible not only in terms of flood mitigation and management, but also economically. Indeed, we regarded those commitments from the Opposition as so farcical that we did not believe that the public would believe us when we added that $8

billion to the National Party's election program costs. I understand the Opposition's strategy only now that it is in coalition. There is an old saying that two heads are better than one; although in enlisting the aid of the member for Aspley to help the member for Gregory, I am not too sure.

Effect of Liberal Party Policies on Aboriginal Communities

Mr BENNETT: In directing a question to the Treasurer, I refer to costings produced by the Liberal Party during the election campaign for its policies on Aboriginal Affairs, and I ask: what impact would those costings have on the delivery of services in Aboriginal communities such as Yarrabah?

Mr De LACY: During the election campaign, I was interested in the Liberal Party's policies on Aboriginal Affairs and the way in which the party chose to emphasise Aboriginal Affairs, to the extent that it sent its proven vote winner with Aboriginals all the way to Cairns and Yarrabah. Honourable members would know that Yarrabah is about an hour's drive from Cairns. Mr Everingham, the State President of the Liberal Party, came all the way up to Yarrabah. In a large photograph in the *Cairns Post*, Mr Everingham was standing up in his time-honoured pose and three or four residents of Yarrabah were sitting down.

Mr Borbidge: Your vote dropped a bit, didn't it?

Mr De LACY: No. At the last election, I received a good result—a lot better result than that which the Leader of the Opposition got in Surfers Paradise. I make the point that Yarrabah was taken out of my electorate and is now in the electorate of the honourable member for Mulgrave. Mr Everingham said, "Our policies will be based on the successful policies that we implemented in the Northern Territory." I was interested enough to look at the election results. It is true that the Liberal Party candidate did get a vote in Yarrabah. Out of the 749 valid votes cast, the Liberal candidate got 14—just 2 per cent.

Mr W. K. Goss: But he had 28 before Everingham went there.

Mr De LACY: I must say that it did make an impact on the vote for the honourable member for Mulgrave, because his vote, on a two party preferred basis, was "slashed" to 87.5 per cent. The question that should be asked is: what vote would the Liberals have got if Mr Everingham, the State president, had not gone there?

Crown Leases

Mr HOBBS: I ask the Minister for Lands: will he explain the civil libertarian implications of his director-general's being able to assign public servants to delve into the private financial and management history of people who apply for leases on Crown land as provided in paragraph B1648 on page 33 of the Government's White Paper on Crown land legislation?

Mr SMITH: I cannot quite recall the paragraph on whatever page the member mentioned. It is not directly at my disposal. The White Paper is self explanatory. If the honourable member is having trouble understanding it, I am more than happy to give him a briefing. The Government is not intrusive. Any action that would be taken by the department would be after full consultation with industry groups. That has been the process all the way through. If the honourable member checks with representatives from the United Graziers Association and the Cattlemen's Association, he will find that my department consults fully with those organisations.

Crown Leases

Mr HOBBS: I ask the Minister for Lands: what qualifications will applicants have to demonstrate as part of the bureaucratic selection process for Crown leases?

Mr SMITH: I did not hear the question properly, but it sounded very similar to a question the honourable member asked recently. Obviously, land management of leases will be required. Anyone with any brains would know that this issue has gone on for too long without any control. If the honourable member is in favour of the Government's having absolutely no control over the very valuable Crown estate, there is something wrong with him, and his party.

Caboolture State High School

Mr J. H. SULLIVAN: In directing a question to the Minister for Education, I refer to the recent purchase of land for a new high school in Caboolture. I ask: in view of the serious overcrowding at the existing Caboolture State High School, can he advise the House when construction of the new school can be expected to commence?

Mr COMBEN: The land for a new high school at Caboolture has been purchased. The project is high on the list of Government priorities. Construction of the new high school should commence in 1993, with completion in 1994.

Farmers' Liability for Sales Tax

Mr J. H. SULLIVAN: I ask the Minister for Primary Industries: are farmers currently exempt from sales tax for goods purchased for their farm operations? If so, what will be the position under the coalition-supported Fightback package for items such as freight, seed, feed, fertiliser, and fees for service by agents, veterinarians and tradespersons?

Mr CASEY: The simple answer to the first part of the question is: yes, at the moment those items are all free of sales tax for people on farms. There is a simple answer also to the second part of the question. Under the Fightback package, all those items will attract an additional 15 per cent tax. Farmers will be required to pay 15 per cent more for veterinary fees, drugs, drenches, feed, seed, fertilisers, spare parts, farm machinery, sales commission, advertising, local rates—all purchases.

Mr ROWELL: I rise to a point of order. That is a deliberate fabrication. It is not true.

Mr CASEY: A tax of 15 per cent will be added onto all those items and services. In the Federal sphere, a mythical promise has been made by the National Party—not necessarily the Liberal Party—that farmers might be able to claim a deduction from the Taxation Office. In that case, the farmers will put themselves into a bureaucratic nightmare and, eight months later, they might receive some recompense.

In their electorates, Opposition members are trying to dodge the Fightback package. They have chained themselves to Fightback and they must accept its consequences. Canegrowers Queensland would not go along with the National Farmers Federation's acceptance of the Fightback package. That organisation asked the Federal Opposition to provide it with information on how the package would affect canegrowers. It has received all sorts of dodgy draft letters, but it has not received a reply to its request. The week before last, when Mr Hewson visited Mackay to address residents on his Fightback package—in the heart of the sugar lands of this State—he did not mention the word "sugar", which is our major agricultural industry. That is what he knows about it. He did not tell them that as soon as he can he is going to get rid of their $55 a tonne tariff. The honourable member for Hinchinbrook and other honourable members still have their farms. I ask: which of them is paying payroll tax? Does the member for Hinchinbrook pay payroll tax now? Does the member for Mirani pay payroll tax now? Does the member for Barambah pay payroll tax now? I challenge those honourable members to tell me which primary producers in their electorates will benefit

from Fightback? Nobody. There are no advantages at all; there are only disadvantages to the primary producers of Queensland from the Fightback package.

Gold Coast Hospital

Mr HORAN: I refer the Minister for Health to recent reports concerning the Gold Coast Hospital and to statements by an Australian Medical Association spokesman indicating that lives had been lost there because of the deficiency in overall hospital resources. This includes a waiting time of more than four years for simple surgery; a children's ward which has 125 per cent occupancy; difficult access to coronary care; and a situation where patients needing a dialysis unit have been told that they have to wait for someone to die before such a service is available. I ask: what action will he take to boost the hospital resources of Australia's seventh largest city, and when will this occur?

Mr HAYWARD: The honourable member for Toowoomba South made reference to the health services in the south coast area that is covered by the South Coast Regional Health Authority. Members of the Parliament must clearly understand the situation down there. It is an area that is experiencing an exceptionally high population growth rate. At present, it has the third largest population of the 13 health regions. It should also be acknowledged that an area such as that, because of its unique features of a large population growth and a population growth that is also focused in an area in which the residents are ageing, as well as being a large tourist area, presents significant challenges for health service planning.

It must be made clear—I think this was mentioned in the Estimates debate yesterday—that, historically, it has always been an area which has received per capita comparatively less funding from the public health dollars than any other region in Queensland. I will get back to the matter of the AMA, because that was the second point in the member's question. The figures quoted recently reveal that the region has 10.6 per cent of the State's population, whereas I think they should have revealed that the area receives 4.6 per cent of the Health budget. It is a very simplistic, and not necessarily valid, comparison. The point is that large numbers of Gold Coast residents regularly access Brisbane-based services that they may require, such as tertiary facilities.

The other point that the honourable member needs to consider when he talks about the south coast region is the spray or the flow-over of people from northern New South Wales. Considerable numbers flow into the South Coast Regional Health Authority area to have procedures performed. We have problems there because of the border, and there is nothing that we can do about that. Surely the honourable member is not suggesting that we put up a plank at the border and refuse admission of people from New South Wales. If the honourable member checked, he would find that about 30 per cent of the high-cost admissions to the Gold Coast Hospital, and people involved in the area of the South Coast Regional Health Authority, come from over the border. The members who represent the south coast area know that, and a couple of them are nodding their heads in agreement.

Medicare negotiations are taking place right now. Cross-border adjustments is one issue that is being argued in deciding the terms of the new Medicare agreement. It is important to recognise that, each year in Queensland, about 45 000 hospital procedures are performed on people from New South Wales and other States, and about 20 000 procedures on people from Queensland are performed in New South Wales and other States. That represents a significant disadvantage to Queensland in terms of the cost of providing those services.

It is very important that the honourable members opposite provide support in the renegotiation of the Medicare agreement. Because they allegedly have contacts in the form of their conservative colleagues in New South Wales, they could do something towards providing some hospital services in northern New South Wales. As there are

insufficient services in New South Wales, people have to come across the border into Queensland. It is an important question, and we need support in the renegotiation of the Medicare agreement. As I said, it was a simplistic, and not necessarily valid, comparison.

I want to say two other things. One needs only to look at the editorial in the *Gold Coast Bulletin*, which was headed "A plan for the tough times". It talked about some of the problems on the Gold Coast. The editorial states—

> "In the past this has undoubtedly been due to government and bureaucratic failure to fully recognise the nature and extent of the growth pressures."

The article continues—

> "Establishment of regional health authorities provides real hope that, at least in the important area of health care, these former shortcomings will now be overcome."

The second most important thing has been the establishment of the South Coast Regional Health Authority. In conclusion, I hope that when the individual regional health authority budgets are finalised soon, the Gold Coast's share will increase significantly.

Shortage of Staff and Resources at Gold Coast Hospital

Mr HORAN: In directing a question to the Minister for Health, I again refer to the shortage of staff and resources at the Gold Coast Hospital. I ask: in view of the chronic difficulties in patients accessing dialysis units, of which I understand there are six, is he aware that the provision of two extra nurses would allow the dialysis output to be doubled by making it available over two shifts? In view of this, will the Minister give an immediate undertaking to allocate extra nursing positions to overcome this and other deficiencies at the hospital?

Mr HAYWARD: The shadow Minister for Health has again not been doing any research. He is simply listening to something that has been spewed forth from some representative of the AMA on the Gold Coast——

An Opposition member interjected.

Mr SPEAKER: Order! That word should not be used.

Mr HAYWARD: —who, in many cases, but not all, one would have to fight to get him into a public hospital. One would have to fight him to get him to go and do some work in a public hospital.

In the context of a media report—the honourable member raises the issue of the Gold Coast's dialysis services. I acknowledge that the plight of dialysis patients on the Gold Coast has received some media attention. There is no doubt that the Gold Coast Hospital's haemodialysis unit is under pressure. As I said earlier, the situation is not helped by the fact that the unit is also utilised by people from far-northern New South Wales. Let me tell honourable members what the unit is all about. It treats patients six days per week between 7 a.m. and 3.30 p.m. Let us get this matter clear: the treatment of each dialysis patient through that procedure costs $30,000 per year. The important point is that on the Gold Coast there is no waiting time for dialysis treatment.

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

PROSTITUTION LAWS AMENDMENT BILL

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Emergency Services) (11.23 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend laws relating to prostitution, and for other purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Braddy, read a first time.

Second Reading

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Emergency Services) (11.24 a.m.): I move—

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

The issue of prostitution is a dilemma which has always faced our society and almost every society in the world. A definitive answer has yet to be found to this age-old problem. Various societies have attempted to solve the problem with limited or no success. Some Governments have attempted to overcome the problem by legalising prostitution; others have attempted to apply social and criminal sanctions, while others have attempted to ignore the problem. It is a problem which cannot be ignored, particularly when that problem has led to inadequate and unenforceable legislation which has the potential of developing back into a situation which existed in the pre-Fitzgerald era.

The Government recognises that prostitution will not be eliminated from our society, nor would it be appropriate to embark on a moral crusade to attempt to do so at the expense of other problems in our society. However, the Government acknowledges that organised prostitution is debilitating and detrimental to our society. As Commissioner Fitzgerald said in his report, prostitution will always be around as long as there are people willing to buy and sell sex.

Organised prostitution is often associated with other criminal activity involving drugs and money laundering. Prostitution, therefore, is far from being a victimless crime. Those involved, including prostitutes, clients and families of those people, suffer both emotional and financial hardship as well as health risks, while the people who profit are those who make financial gain at other people's expense, the organisers of prostitution. Most elements of prostitution, particularly organised prostitution, are abhorrent and should be minimised as much as possible.

Organised, illegal prostitution has been able to gain a foothold in Queensland. To overcome this, the Bill proposes legislation aimed at these people in a manner which clearly expresses the Government's intention that their activities are not to be condoned. This is why this Government has targeted the pimps and parasites of organised prostitution in a move to reduce their influence and reduce other factors commonly associated with organised prostitution which are detrimental to our society. Police research shows that organised prostitution is often associated with a whole gamut of other criminal activity such as drug use and distribution, money laundering, violence and extortion, tax evasion and child exploitation. Recent police operations have resulted in the arrest of known crime figures on various offences arising from the running of brothels, money laundering, possession of tainted property and drugs.

Those people who support the complete or substantial decriminalisation of prostitution naively suggest that these criminal elements would be reduced or eliminated in a regulated prostitution industry. This is not so. Wherever any attempt to regulate prostitution has been tried, both in Australia and overseas, organised criminal activity has continued to flourish as part of the industry. This situation of organised criminal activity and exploitation associated with prostitution is no more prevalent than in Queensland. The major factor which has contributed to this situation has been the inadequacy of the current legislation and the meaning subsequently attributed to that legislation by the courts. To overcome this, the Bill proposes legislation aimed at the organisers of prostitution. This Bill will repeal the inadequate simple offence provisions contained within the Vagrants, Gaming, and Other Offences Act as well as the outdated provision of keeping a bawdy house contained within the Criminal Code. These

provisions will be replaced with criminal offences which target the organisers of illegal prostitution activity with the imposition of significant terms of imprisonment.

The proposed offence of participating in the provision of prostitution will be enforceable, regardless of whether the prostitution service is provided in a brothel or from an organised escort agency. Offences directed at clients will act as a disincentive, and this risk of prosecution will help reduce demand for prostitution services. A person who is found in or leaving a place suspected of being used for prostitution—that is by two or more prostitutes—without a reasonable excuse for being there, commits a crime. A certificate of discharge will also be offered to prostitutes and clients to assist police to gain sufficient evidence against the organisers. The existing provisions are also discriminatory in that they often only apply if the prostitute is female or if the person procured to be involved in these activities was of good moral character. The proposed legislation is to be gender neutral and not concerned with a person's moral background, with offences applying equally to prostitutes and clients.

Child prostitution is to be targeted with an offence in the Criminal Code for any person who permits a child to be on premises used for prostitution. All other prostitution-related offences are to contain a circumstance of aggravation that if the prostitute is a child the person committing the offence will be liable for heavier penalties. A similar circumstance of aggravation will also apply if the prostitute has an intellectual disability. To assist police to gain sufficient evidence, the Criminal Code and the Vagrants, Gaming, and Other Offences Act are to be amended to give police the authority to demand name and address and the power of arrest without warrant. The authority to demand name and address with respect to a criminal investigation is a fundamental investigative tool for any police officer in today's society and is long overdue. In the context of this Bill, the Government is not proposing new police powers of enter, search and seize, rather that the current Criminal Code warrant provisions be utilised to enter, search and seize premises when a prostitution-related offence is reasonably suspected.

The Government also acknowledges that there will continue to be a demand for sexual services in exchange for money. In acknowledging this, the Government does not intend to change the legal status of prostitutes who work on their own from their own residence or who provide escort services on their own. There are concerns about the security of genuine single operators. It will continue to be legitimate for a single operator to employ a security firm for protection, as long as the security firm does not participate in the prostitution business.

The reality of continuing prostitution is also acknowledged in various health and other programs announced by my honourable colleague the Minister for Health as well as in provisions of this Bill, which will enable prostitutes to offer the courts evidence of a sexual health check within three months prior to the offence as mitigation of any penalty. Under the legislation, a health service worker can refuse to provide any information or answer any questions relating to an investigation or a prosecution on the grounds that it would breach client confidentiality. The purpose of this is to foster confidence in the health system and encourage safe sex practices, regardless of whether the prostitution is lawful or unlawful. Police will also not be able to use condoms and other safe sex material as evidence in the prosecution of a prostitution-related offence. There are also provisions under the Vagrants, Gaming, and Other Offences Act which will make soliciting, in particular street soliciting, in a public place, unlawful. This has always been an offence; however, amendments to the Act will clarify that this law will apply equally to prostitutes and clients or people acting on their behalf.

New advertising offences are broad and encompassing and will prohibit advertising for the purposes of prostitution, regardless of whether the prostitution is lawful or unlawful. This should significantly help to reduce prostitution, by limiting knowledge of the whereabouts of prostitutes. The problems which may affect neighbours of sole operators will be addressed through both the existing provisions of the Vagrants, Gaming, and Other Offences Act and the proposed new offence of

causing a nuisance. This Bill is directed at addressing the anomalies in the present prostitution laws which have made them unwieldy and unworkable. By limiting prostitution activities to prostitutes who operate on their own and introducing strict criminal sanctions against those involved in organised prostitution, including clients, this Bill should significantly contribute to the reduction of prostitution in our society. I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

HEALTH LEGISLATION AMENDMENT BILL

Hon. K. W. HAYWARD (Kallangur—Minister for Health) (11.32 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend certain Acts administered by the Minister for Health."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Hayward, read a first time.

Second Reading

Hon. K. W. HAYWARD (Kallangur—Minister for Health) (11.33 a.m.): I move—

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

The purpose of this Bill is to amend some 16 Acts within the Health portfolio. As members of the House will appreciate, my portfolio has an extensive legislative base, which requires frequent, but usually minor, amendment to remain current. To maintain this currency, I plan to introduce an annual omnibus Health Legislation Amendment Bill which will consolidate many of the minor amendments. The Bill before the House is the first of three of these omnibus Bills. The amendments proposed in this Bill fall into three categories—

amendments to registration Acts to introduce a number of changes;

amendments to the Medical Act to cater for mutual recognition of medical practitioners; and

sundry amendments to other Acts, principally the Food Act 1981, the Health Act 1937 and the Hospitals Foundations Act 1982.

I will deal with the amendments proposed for legislation in each of these categories in turn. Firstly, in four registration Acts, namely, the Chiropractors and Osteopaths Act, the Optometrists Act, the Psychologists Act and the Speech Therapists Act, membership provisions of the boards constituted under each Act have been changed to guarantee that registered providers comprise the majority of each board. Although it has been longstanding administrative practice for this to occur, this is the first time that all registration Acts in this portfolio have had such guarantee included in the legislation. Ten of the registration Acts, including the four mentioned previously, are being amended to add two new members to the registration boards. These new members are a consumer representative and a legal practitioner. The consumer representative is essential to give registration bodies a consumer focus, while the legal representative is increasingly required to assist these bodies in observing due process. Flow-on amendments are changes to the quorum provisions and the inclusion of a standard provision in each Act ensuring that additional members' terms of appointment are synchronised to that of their fellow board members. The other standard amendment

for the registration Acts is a reworked head of power allowing registration bodies to make subordinate legislation for fees.

Other changes to individual registration Acts include—

provisions regulating corporate practice and conduct by associations of persons practising chiropractic and osteopathy under the Chiropractors and Osteopaths Act;

one provision inserted into the Dental Technicians and Dental Prosthetists Act allowing remuneration to be paid to the Dental Prosthetists Assessment Committee established under section 25 (2) (b) (iii) of the Act, and another provision facilitating transfer of funds from the Dental Board to the Dental Technicians and Dental Prosthetists Board;

providing for two years' supervised practice as an additional criterion for registration as a psychologist under the Psychologists Act, in keeping with other States and making provision for conditional registration for those persons who meet all registration criteria except the new criterion of supervised practice;

amending the Speech Therapists Act to update terminology from speech therapist to speech pathologist, in all its applications and legislative references.

The next category of amendments affects the Medical Act. The amendments enable the implementation of mutual recognition for medical practitioners, as determined by the Australian Health Ministers and agreed to by the medical boards of all States and Territories. Under that determination, new legislation is to be introduced in each State or Territory to ensure that uniform registration provisions, including common sanctions, are in place throughout Australia by January 1993.

The major changes to the Medical Act in this regard relate to eligibility for registration. To be eligible for general registration, a medical practitioner will need to—

be competent to practise medicine;

be of good character;

have a medical qualification accredited by the Australian Medical Council or have successfully passed the Australian Medical Council examination;

have successfully completed an internship or period of supervised training required by the board; or

be registered without conditions or limitations in another State or Territory.

To be eligible for conditional registration, a person must be competent and of good character and—

be eligible in terms of any of the circumstances outlined in proposed section 17C;

as provided for under proposed section 17F, suffer from some impairment which requires the imposition of conditions; or

be conditionally registered in another State or Territory.

The Medical Act amendments also include a number of transitional provisions, some of which relate to registration of foreign medical practitioners. These amendments are a standard feature of medical registration legislation being introduced throughout Australia. A significant feature of the amendments to the Medical Act is the extensive provision made for appeals and reviews against decisions or orders made under the Act.

The first Act amended under the third category of amendments is the Food Act. The first of these amendments clarifies the definition of "article" by redefining it to include a food vehicle. The second amendment under this Act reworks existing section 24 both to clarify its intent in terms of authorised officers and to make provision for regional health authorities as one of the administering agencies of the Food Act. Having acknowledged the administrative role of regional health authorities, further amendments provide for articles seized by an authorised officer of an authority to become the property of the authority.

Following this amendment is another which allows the local authority or regional health authority to destroy or otherwise dispose of a seized article that becomes their property. Currently this power of disposal rests solely with the Chief Health Officer. Consequently, this amendment represents a devolution of responsibility to appropriate agencies responsible for the administration of the Food Act. A flow-on amendment from the power of disposal allows regional health authorities to recover any costs and expenses incurred in storing or destroying seized articles. Currently the Food Act provides for a three-day appeal lodgment period in respect of articles seized by authorised officers. This Bill proposes an amendment to increase the number of days allowed for lodging appeals for certain types of seized articles. When an article is an appliance, material used in packing food, labelling or advertising material or anything used for or in connection with the sale or conveyance for sale of food, the appeal period has been extended to 14 days.

The significant amendments under the Health Act include: provisions for a new kind of private hospital—a day hospital—and licensing and provisos related to licensing of this new type of private hospital. This Bill also provides for two-monthly reports being provided to the Chief Health Officer by private hospitals. These reports are not new and have been provided for some considerable time. This amendment merely formalises an existing practice. It also attaches a confidentiality provision, similar to other such provisions in the Health Act, to the information so provided.

The final amendment under the Health Act updates the penalty provisions which can be attached to regulations made under section 152. This amendment is a necessary prerequisite for a number of reviews of subordinate legislation made under this section of the Health Act, which are currently under way. The amendments proposed for the Hospitals Foundations Act are intended to improve the accountability of members of foundations. The amendments set standards in relation to disclosure of interests by a member of a foundation and, further, impose obligations on a member to act honestly and with propriety in relation to his or her office and any information acquired by virtue of that office. These amendments result from the Public Sector Management Commission review of the Department of Health, and are the last specific legislative amendments proposed by that review. I commend the Bill to the honourable members of this House.

Debate, on motion of Mr Horan, adjourned.

PENALTIES AND SENTENCES BILL

Second Reading

Debate resumed from 5 November (see p. 162).

Mr BEANLAND (Indooroopilly) (11.42 a.m.): The Opposition will not be opposing this legislation. Parts of it are supported strongly while other parts are questioned, particularly that relating to its ability to function successfully in reality. One of the major reasons, if not the first reason, why in a civilised society we pay taxes is to institute a system of law and order. Without the rules that society enforces through its Governments there would be anarchy, pillage, assault and robbery, and no civilisation. With this legislation, the community should expect a better society, as the Minister stated in his second-reading speech. Unfortunately, the legislation will not change the Government's soft attitude towards dangerous criminals. Only this Government can do that through its own actions, for which we are still waiting.

When the legislation was first introduced prior to the recent State election, it was to be a plank of the Government's election campaign. However, when the Premier called a snap election three months early and dissolved Parliament, the Minister failed to get the legislation passed. Consequently, following quite a number of amendments, the legislation is again back in this Chamber. I have only now been given another series of

amendments to this legislation. As I have only just received them, I have not had a chance to look at them. Had the Premier not panicked because of the exposure of more hidden debt in the bankrupt Labor State of Victoria and gone early to the polls, this legislation would no doubt now be in place. The question is: will this legislation tackle Queensland's escalating crime rate? The answer has to be, "No." The annual report of the Queensland Police Service indicates that, between the 1990-91 and 1991-92 financial years, under the Labor Government, crime rates have increased dramatically. For instance, break and enters of the average family home have increased by 17.9 per cent; offences against the person have increased by 12.4 per cent; and robbery is up by 14.6 per cent. In the previous financial year, crime escalated by 25 per cent. In practical terms, those figures mean that in the vicinity of 100 break and enters occur round this State each day; some 40 cars are stolen each day; and some 100 multiple assaults and 200 weaponless assaults occur each day. That gives one some idea of the magnitude of the crime wave that is currently gripping this State. The Opposition looks forward to the Government taking more real action in relation to punishing criminals. I hope that we will see evidence of that policy in the near future.

Although the Labor Party might try to convince the public that Queensland police numbers are now equal to the national average or are at some magical figure, the facts are that Queensland police staffing levels are still the lowest in Australia. The Police Service annual statistical review for the financial year 1991-92 indicated that Queensland has one policeman for every 478 people; New South Wales has one policeman for every 460 people; Victoria has one policeman for every 449 people; South Australia has one policeman for every 399 people; Western Australia has one policeman for every 401 people; Tasmania has one policeman for every 461 people; and the Northern Territory has one policeman for every 248 people. As can be seen, Queensland has far fewer police per person than any other State. Perhaps when it is demonstrated that the Government has increased the police numbers appreciably so that Queensland matches the figures of other States, people may start to think that at long last this Government may have had a change of attitude. Crime rates and taxes have certainly reached record levels under this Government. It seems that, as the crime rate escalates, so does the level of taxes. The community of this State expects a little more than words from this Government. It wants to see real action.

How will this legislation benefit the people of Queensland? It will provide a greater range of sentencing options to the courts, but will this put a brake on the State's spiralling crime rate? For example, will my constituents feel safer in their homes at night? I think not. Unfortunately, many of my constituents, in common with many other Queenslanders, now live behind bars while dangerous criminals roam free. People want some action taken on such matters as the cutbacks in security throughout the prison system. This State now has a record number of break-outs—in the vicinity of three times the number of break-outs that occurred previously. Even using the Government's own figures, in the last three years, the number of break-outs from the prison system has doubled. Even prior to this Government taking office, a great deal of concern was being expressed about the break-out statistics. Those figures have now doubled—or trebled, depending on whose statistics one uses—but the Government continues to make excuses and to cut back on security within the prison system. It is all very well to introduce this legislation, and the Opposition supports the majority of its provisions; however, some real actions must be taken, particularly in the prison area, to ensure that, once offenders are convicted, they serve their full prison sentences and are not allowed to escape.

I am sure that during the recent election campaign, the Minister was out doorknocking. I certainly doorknocked in my electorate. Every second home that I visited had security doors. The residents would open the front door and then peer through the security door. They wanted to ensure that I was who I claimed to be before they opened that security door. They were not going to take any chances. Often, criminals knock on a person's front door and falsely state their identity. Once the security door is opened, the resident is bashed. Many people in the community now feel

the need to implement security measures. As I stated previously, the community is now living behind bars while criminals roam free. That is not an encouraging scenario. If the Minister does not believe me, I suggest that he inspect some of the suburbs of this city. He does not need to travel far. If he ventures only 10 or 20 minutes from his State law office, he will discover rows upon rows of homes in which people are living in fear because of the escalating crime rate. That scenario has only developed over the past three years. Although the Opposition appreciates this legislation and hopes that it will make a major difference in the community, it will take more than this legislation to ease the fears of the community. This Government will need to scrutinise its own actions in order to provide greater security for the community.

The safety of homes and the number of cars being stolen are not the only issues of concern. People do not feel safe to walk the streets any longer. It was not too long ago that a delegation from the International Olympic Committee visited Brisbane, which at that time was bidding for the Olympic Games. One of the major issues raised by members of that committee was the safety and security of this city; whether people could walk the streets of Brisbane in safety. Although people may have felt safe to do so back then, I doubt whether the same could be said today. People no longer feel safe to walk the streets of this city. They cannot even feel safe in the City Mall any longer because of the failure of the Government to adequately provide safety to the community.

The Government must consider the escalating crime rate and the cost of keeping people in prison. The estimated cost to the taxpayers of keeping a prisoner in a high-security prison is $51,000 a year; in a medium-security prison, $36,500 a year; and in a low-security prison, $14,600 a year. Perhaps a good reason why the Government is cutting back on prison security is that if more prisoners escape, fewer prisoners are left in prisons and, therefore, the cost to the taxpayer is reduced. Many people believe that that is exactly what is going on. However, I prefer to give the Government the benefit of the doubt and trust that, under this legislation, the fine defaulters and people who commit minor offences who are currently in Queensland's prison system are returned to society sooner, and violent offenders remain in the prison system and are punished for longer than they have been in the past.

Intensive correction orders provide courts with new sentencing options. Those orders allow the imposition of stricter conditions of surveillance and attendance, while at the same time ensuring that offenders make appropriate restitution for the crimes they have committed. I am sure that this sentencing option will be used greatly, particularly when sentencing non-violent offenders. It provides for the rehabilitation of non-violent prisoners and returns them to society earlier then they have in the past. Because they are non-violent people, there is no real excuse for having them within the prison system. Rather, they should be undergoing community work and making restitution or compensation for the offences that they committed against society.

Another option is the suspended sentence option. In the past, that option proved to be unpopular and unworkable and, under this legislation, I am not sure that it will become any more workable. Nevertheless, the Government is providing the courts with that sentencing option. Although the legislation provides a greater range of sentencing options, the sentencing provisions remain which ensure that violent offenders serve sentences that punish them suitably for the crimes that they committed.

I wish to refer briefly to a matter that has recently received a fair amount of publicity, and that is the indefinite sentence option. The introduction of that option is designed to shore up this Government's weak position on law and order. Recently, the Queensland Bar Association, the Queensland Law Society and the Civil Liberties Council have all expressed concern about this option. The definition of "violent offence" in the legislation is as follows—

> "(a) an indictable offence—

(i) that, in fact, involves the use, or attempted use, of violence against a person."

The indefinite sentencing option could be invoked against a range of violent and sexual offenders. Unfortunately, there is a trend towards people who commit those offences becoming repeat offenders.

An area of concern in this legislation is the timing of the decision to make an application for an indefinite sentence. The legislation states—

"(1) If counsel for the prosecution intends to make an application . . . counsel must inform the court after the offender has been convicted of the offence.

(2) The application must be made within 7 business days after the conviction."

There appears to be no reason why an accused, prior to pleading to the charge, should not be told that the prosecution will make an application for an indefinite sentence. After all, the decision made by the Crown in this regard could affect how the accused will plead to the charge. The same applies when the court proposes, on its own initiative, that an indefinite sentence should apply. I believe that the court should inform the accused immediately it makes the decision to apply for an indefinite sentence order, and certainly not wait until the accused is convicted. Once an accused pleads guilty, that person is put at a disadvantage if he or she was not informed that upon a conviction being obtained, an application will be made for an indefinite sentence. If the accused knew what the decision was to be on an indefinite sentence application, the method of calling and cross-examination of witnesses may also be altered. If accused people are aware that they are going to be subject to an indefinite sentence from the court, the whole conduct of their case may change.

I would like to receive some clarification from the Minister about the way in which the indefinite sentence option will be administered. Some amendments may be moved in that regard at the Committee stage about which I am not aware. However, I believe that if the Government goes down the track of bringing in indefinite sentencing options and trying to crack down on the criminal element in society, it should still keep in mind the judicial justice system which provides for accused people to be given the benefit of the doubt. Under our legal system, people are innocent until they are proven guilty. Therefore, I want to make sure that accused people are afforded every opportunity to be given the benefit of the doubt. Although in 99 per cent of cases people who are convicted are rightly convicted, in 1 per cent of cases people are incorrectly convicted.

Mr Wells: I give the honourable member that assurance.

Mr BEANLAND: The standard of proof required to decide whether an offender is a serious danger to the community lacks clarity. It seems that that decision about the standard of proof is left largely to the court. Much closer attention to the drafting of the legislation would appear to have been warranted with this section. It certainly does not seem that the standard of proof must be beyond reasonable doubt, which is the normal standard of proof required in criminal cases.

As to discharging an offender under indefinite sentencing—the legislation simply says to the court that unless it is satisfied that the offender is still a serious danger to the community, the court must discharge the indefinite sentence. However, no yardstick is given as to what is a serious danger to the community. Again, there seem to be problems of a lack of clarity and definition similar to those relating to the standard of proof. While I am still speaking about indefinite sentences, I seek the Minister's advice on the following three issues: firstly, is a nominal sentence appealable, as distinct from an indefinite sentence which is appealable? Secondly, does a reviewing judge have a discretion to lengthen or shorten a nominal sentence? Thirdly, can a fixed sentence be imposed, having the effect of substantially enlarging a nominal sentence? I ask these questions because from checking through the legislation it is still unclear to me what the situation is in those three sets of circumstances. Whereas this section of the legislation would seem laudable in theory, in practice it will require enormous goodwill and luck to

enable it to work. However, I trust that it will be successful as another means of punishing the criminal elements of our society and discouraging those with criminal tendencies from committing violent and sexual offences, and that this will lead to a safer community.

A major point has been made by this Government that this legislation is a thorough-going review of penalties and sentences and is this Government's get-tough approach to violent crime, yet some of the most important aspects of sentences and penalties remain untouched. Juvenile crime, which is rampant, is excluded, yet much of the crime that householders see every day is committed by juveniles. I refer particularly to break and enters of households and car thefts. Should this Government believe that it is getting tough with the criminal elements, then juvenile crime should also have been targeted. With respect, I say to the Minister that amendments introduced some time ago during the last Parliament in relation to juvenile crime did not toughen up that particular aspect. I ask the Minister to turn the Government's attention to this matter in the coming months, because whether we like it or not there is unfortunately a greater tendency in our society, for a whole host of reasons, for juveniles to be involved in the commission of a large number of offences and then snubbing their noses at the police and getting away with it.

This problem has now reached the stage at which many people have given up in disgust and believe that there is no purpose in having valuable assets or restoring valuable assets in their homes. In many instances, they believe that they might as well leave the doors open and allow those juveniles to roam. Those juveniles are able freely to break and enter premises, but at the same time they get little punishment for that at the end of the day. Their punishment certainly is not fitting their crimes. That is another black hole not just in this legislation but in this Government's failure to get tough with the criminal elements in our society.

The Government's lack of credibility in cracking down on dangerous criminals also contains a black hole in relation to remissions. Because remissions come under the jurisdiction of the Corrective Services Commission, they undermine the Government's credibility in relation to sentencing. Even before they pass through the prison gates, people who are convicted receive a one-third remission. I know that we must provide encouragement and incentive to people who are convicted so that they can be rehabilitated, but the fact that they receive a one-third remission even before they walk through the prison gates is quite over the fence. And that is not the only remission that they receive! There is also a remission for a person who is serving a term of imprisonment for two years or longer that includes Christmas Day. In other words, a person who is in prison over Christmas Day receives a day's remission. How farcical is that! Although I cannot argue against some time being taken off prisoners' sentences for good behaviour, this Labor Government seems to have made a feast of it. Consequently, it now finds that its credibility on the subject of tackling crime has been hit for a six.

Because of the farce with remissions, which come under the jurisdiction of the Queensland Corrective Services Commission, calls have been made in the community for truth in sentencing to be introduced for violent crimes and sexual offences. However, with this legislation the Government has gone the other way by bringing in indefinite sentencing, no doubt in the hope that that may overcome some of these problems. I put it to the Minister that that will not overcome all the problems that will continue with the system of remissions which come under the Corrective Services Commission. We will still find many dangerous and violent criminals serving only a fraction of their sentences and, far from being rehabilitated, being allowed back into the community without having received proper punishment for their offences against society.

Another aspect upon which this legislation is silent is victims of crime. For some time, the Government as a whole has been fairly silent in relation to victims of crime. Initially, we heard a great deal from the Attorney, particularly when he was in Opposition,

about victims of crime, but now that the Labor Party has taken over the reins of Government, and now that Mr Wells is the Attorney and Minister for Justice, the Government has taken no action to assist victims of crime. They seem to have been forgotten about, to the extent that the Government has even cut back the funding for victims of crime.

The CJC report states that each day in this State there are 1 000 victims of crime. That is an horrific figure. If the Government were genuine in its desire to assist the community, that matter should have been addressed by legislation. But that has not been the case. Instead, the Victims of Crime Association has received a cutback in funding. I look forward in coming months to legislation being introduced to assist victims of crime. They are people who are so often forgotten. When a crime is committed, we hear all about the criminal. Again today, we are talking about the criminals, and no attention is being given to the effect of crime on the victims. Over a long period, many people have suffered. I know of people who have been involved in bank robberies who have had to retire from their place of work. Recently, an attendant at a service station resigned because the service station had been held up on a number of occasions. He could no longer face the prospect of serving petrol and being held up. The criminal might be convicted, sentenced and have to serve his time, but the victim is easily forgotten. The legislation does not address the rights of victims—they should have some rights—or their right to receive compensation. Over the next three years, the Opposition and the people of Queensland will keep the Government under the spotlight to gauge the success or failure of this legislation.

Mr BRISKEY (Cleveland) (12.09 p.m.): I will commence by giving the member for Indooroopilly some assistance. This Bill is entitled the "Penalties and Sentences Bill"; it has nothing to do with victims of crime. Once again, the member for Indooroopilly has tried to instil fear in the minds of the elderly population by talking about violent crime. He should stick to the facts. Violent crime is not being perpetrated against the elderly in the community, but the honourable member is ensuring that fear is instilled in the minds of those people so that they will live in fortresses.

Mr Beanland: Yes, they do. You are right.

Mr BRISKEY: That is because people such as the honourable member stand up in this place and try to instil more fear into their minds. It happens again and again and again. It is a pity that the Opposition in this place—the so-called Opposition—cannot see what this legislation provides. It is excellent legislation of which this Chamber can be proud. It is about time that Opposition members congratulated the Government and the Attorney-General on legislation of this nature. If the honourable member did so, he would be given much more credence by the community.

In an ideal world, there would be no crime, no offenders and, therefore, no prisons; there would be no need for this Bill. Unfortunately, we do not live in an ideal world; thus, there is a need in our society for prisons. We should never cease to work towards that ideal world. We should ensure that our gaols have as few offenders as possible within them. Further, we should work towards ensuring that, when those who go to gaol leave, they do not reoffend. We should want them to leave gaol being able to cope emotionally, socially, psychologically and physically. Most of the 2 158 prisoners who are presently in Queensland gaols were poor, unemployed and undereducated before entering gaol. The majority of offences causing imprisonment are of a non-violent nature. There is, however, a small minority of prisoners who are in prison because they have committed extremely violent offences against other people. Recently, there have been well-publicised cases of violent offenders who, upon release, have reoffended and caused the death of innocent people within our community. Although it is true that the rights of prisoners must be protected, it is also true that society must be protected from violent offenders who reoffend upon release from gaol.

As I have stated, in an ideal world there would be no need for prisons. Prisons are inhumane places that, unfortunately, do little to rehabilitate offenders or stop crime. The American experience is a frightening one, and one which we should ensure that we do

not follow. At present in America, more than a million people are behind bars, and the prison population has doubled since 1980. At present in America, there are 431 people behind bars for every 100 000 population. By 1993, that figure is expected to rise to 500. In European countries such as Denmark and the Netherlands, the figure is much lower. Denmark has 68 prisoners per 100 000 population and the Netherlands has 40. Rather than using imprisonment to control crime, countries such as Denmark and the Netherlands rely on community-based correction to handle offenders. In January 1988 in New South Wales, there were 68.8 prisoners per 100 000 population, and by December 1990 it had increased to 96 prisoners per 100 000 population. In three years in New South Wales, there has been a 12 per cent increase in the prison population. We certainly should not wish to follow that example, either.

One of the options that is available to keep our jail population low is the Victim/Offender Mediation Program. I applaud the Government and the Attorney-General for piloting a program of this nature in Beenleigh at present. There are basically three options: we build more prisons, which is an extremely expensive option; we reduce the number of offenders who are sentenced to prison; or we reduce the length of prison sentences. Increasing the number of people in our prisons means that we have to build more prisons and, thus, less money will be available for education, health and other services.

Imprisonment is extremely expensive. In 1987, the estimated average per capita cost per annum of keeping a prisoner in gaol in Queensland was $20,413. When one compares this figure with the cost of a non-custodial order of $750, it is obvious that there is little comparison. The fewer people who are sentenced to prison, the fewer prisons we must build, hence more money will be available for other Government-provided services. Thus, the way to go—Yo!—is to reduce the number of offenders who are sentenced to prison and also reduce the length of prison sentences. One of the answers is to provide the judiciary with more sentencing alternatives, and that is an important part of this Bill.

Sentencing options and other penalties are set out in the Bill in ascending order. For the first time, all forms of sentencing and other options have been brought together under the one Act. That must be a help to the judiciary, the legal fraternity and, importantly, to the general public. They have been brought together from six previous Acts into this one Bill which is before the House today. Importantly, the Bill also provides guidelines for the judiciary in sentencing so that sentences will be consistent for all offenders across the State.

One of the important sentencing options provided for the judiciary in this Bill is the use of intensive correction orders. That is the last opportunity that offenders have before being sent to gaol. Those orders are applicable only where the sentences are for less than one year's duration. It has been discovered that short sentences are not effective. There is little chance for rehabilitation in such a short time, and offenders believe that there is not much punishment in such short sentences. While under intensive correction orders, offenders will be under extremely strict guidelines as to what they can and cannot do. However, the important point about these orders is that they will ensure that offenders have some opportunity for rehabilitation. Another important point is that those orders will save money.

Another sentencing option which this Bill provides for the judiciary when dealing with offenders is the reintroduction of the suspended sentence. Suspended sentences were used many years ago but, for some reason, they have not been used in Queensland for quite some time. Once again, the honourable member for Indooroopilly has it wrong. It is not because they were not effective.

The Australian Capital Territory has the lowest imprisonment rate in Australia, yet its crime rate is not very different from that of other States. One of the reasons that have been mooted for that is the availability in the ACT of suspended sentences. Suspended sentences give offenders an opportunity to rehabilitate themselves. They know that if

they offend while under the suspended sentence, they will go straight back to gaol. Hence, when suspended sentences are used, there is protection for society.

The most controversial aspect of this Bill is that it provides for indefinite sentences. There are those within our community who believe that it is wrong to impose indefinite sentences on offenders because it punishes them for what they might do. Indefinite sentences will be used rarely and in very exceptional cases. If an offender is given an indefinite sentence, then his or her rights must be weighed up against the protection that that indefinite sentence provides for the community at large. There have been two well-known recent cases in which extremely violent crimes were committed by people who were released from our gaols. Of course, there is no guarantee that, had an indefinite sentence been an option available to the courts at the time of sentencing these offenders, they would have been given indefinite sentences because there is no guarantee that every violent offender will automatically be sentenced by the courts in this manner. What indefinite sentencing does provide is protection for society against those offenders who have been found guilty of a violent crime where the maximum sentence provided for that crime is life imprisonment. The courts' hands are tied by extremely stringent preconditions. The offender must be considered a serious danger to the community before an indefinite sentence can be imposed. As well, the prosecution must have the Attorney-General's consent, and notification of the prosecution's intent to apply for the order must be given. The Attorney-General cannot give consent to the prosecution until the offender has been convicted of the violent crime. The prosecution also has the onus of proving that the offender is a serious danger to the community and, if this cannot be proved, then no indefinite sentence can be imposed by the court.

Indefinite sentences, therefore, can only be imposed on very few offenders. In 1990-91 in Queensland, 80 per cent of those admitted to prison were sentenced for periods of 12 months or less, and of the 2 158 prisoners currently in gaol in Queensland, only a handful were imprisoned for offences that were serious enough to warrant them being given an indefinite sentence. If the courts' view is that an offender still poses a serious threat to the community, the court may impose an indefinite sentence on that offender. Such a sentence does not mean that an offender is locked away forever. An offender has the opportunity to apply to the court which sentences him or her to have the indefinite sentence removed. To impose an indefinite sentence on an offender is a matter that the courts will not take lightly. There are offenders within our gaols who have performed extremely violent acts and who will serve their sentences and never reoffend. However, there are also rare offenders who are recidivists and for whom this option of indefinite sentencing has been provided so that society can be protected from their violence.

Mr FitzGerald: They are not rare. They are fairly common, unfortunately.

Mr BRISKEY: As a part of the prison population and as a percentage of the total population of Queensland, they are, indeed, rare occurrences, thankfully. Prisons are not the answer, and they should be a last resort, but until we live in an ideal world, they are necessary and provide an important service to the community in which we live.

I conclude my remarks by saying that the Bill before the House today is an extremely important one. All honourable members should be proud that the Attorney-General has seen fit to introduce it.

Mr J. H. Sullivan: It is logical and comprehensive.

Mr BRISKEY: Exactly. We should be proud that it has been introduced into this Parliament. I am sure that every other jurisdiction in Australia will look to this Bill and copy it because it is very important legislation. I am very pleased to be able to support the Attorney-General in its introduction.

Mr FITZGERALD (Lockyer) (12.24 p.m.): In joining in the debate on this legislation, I reiterate the Opposition's support for the Bill. There are many issues to be discussed during the debate, but I will not canvass them all because I have another committee meeting to attend and will have to cut my comments short. In the spirit of the

debate I wish to respond to some of the comments made by the previous speaker. The member for Cleveland indicated that the annual cost of maintaining a prisoner in the Queensland prisons system is $20,413. I believe that this amount relates to the cost of food and payment of wages and salaries for prison officers. I am certain that it does not take into consideration the capital component that must go into the equation. If the honourable member would care to make inquiries, I think he will find that the cost of a prison is approximately $100,000 per cell. If the annual cost of interest on a cell is 10 per cent of that amount, the cost would be $10,000 per year per cell just to have a cell with nobody in it and without any other costs being involved. The honourable member's comments did not indicate the true cost, and I think the community needs to understand what the true costs are.

The honourable member also said that recidivism is rare. The statistics show that to be an absolute misunderstanding of the situation. Unfortunately, recidivism is at a high level. Of the total number of prisoners who are presently serving sentences, a large proportion of them have been to gaol before. I recognise that the intention of all good penal policies is to make sure that the number of re-offenders is cut down as much as possible but, unfortunately, criminals do not always change their way of life. I wish well those who manage to mend their ways, and we should try to encourage them to do so. Unfortunately, however, the facts of life speak for themselves.

When the Attorney-General introduced this legislation last week, he indicated that it is the same Bill as the one that was introduced previously. He stated—

"I now seek to re-introduce the Penalties and Sentences Bill 1992."

Unfortunately, he caught us a little bit short because the Bill I have in my possession was presented to this Parliament before the election. I looked at the amendments that were being circulated while the member for Indooroopilly was speaking, and they just did not match up with the Bill that I had in my possession. Of course, I should have known that that Bill had been discarded and that this is a new Bill with rearranged page numbers and clause numbers.

Mr Beanland: There are a lot of amendments.

Mr FITZGERALD: There are a lot of amendments. Naturally enough, members try to flick through them and to see whether there are any changes of any significance. It is rather inconvenient to find that one has the wrong Bill. However, that is by the bye.

I support the consolidation of penalties and sentences into one Bill. It is an excellent move. In addition, there can be no doubt that the Bill is well set out. The governing principles of sentencing are worthy of consideration. I was rather surprised that the principal aim is to punish the offender in a way that is just in all the circumstances. In other words, the primary objective in sentencing someone is to punish him or her. The provisions set out conditions of a court order that the court considers will help the offender to be rehabilitated, and that is an excellent idea. Those conditions are also intended to discourage the offender or other offenders from committing the same or similar offences, to make it clear to the community that the court does not approve of the conduct in which the offender was involved, or to protect the Queensland community from the offender. A whole range of principles have to be adhered to by the sentencing magistrate or judge.

I draw to the attention of the Attorney-General a point that amused me because I am not sure of its meaning. In Part 2—Governing Principles—clause 9 (2) states—

"In sentencing an offender, a court must have regard to—

. . .

(h) the prevalence of the offence . . ."

Does that mean that the sentence should be lighter if the offence is a common occurrence, or does it mean that it should be a heavier sentence? There is the old story about the little boys who were caught committing the same crime. They said, "All the

others were doing it, too", and they pleaded for a lenient sentence. I am not sure how the judges and magistrates would interpret that provision.

Mrs Bird: We are not going to copy you. We are not going to do what you want.

Mr FITZGERALD: Did the honourable member say that the Government is not going to do what I say? I inform the member for Whitsunday that all I am trying to do is obtain an explanation of the provision that states that the court should consider the prevalence of the offence. I know that plenty of times the yarn is spun about the two JPs out west, two of whom had a drink-driving problem. Two of them were caught, and one of them heard the offence and, after hearing the plea, handed down a penalty. After that, the two of them swapped over.

Mr Wells: This is an old story.

Mr FITZGERALD: It is a very old story. When the second magistrate was on the bench, he handed down a hell of a penalty to the other defendant who said, "What is the reason? You gave me twice the penalty that I gave you." The presiding magistrate said, "This offence is becoming far too prevalent. It is the second case before the court this morning." Are we saying that, if an offence is more prevalent, the penalty should go up; or do the young kids at university who smoke marijuana, for example, use as an excuse the fact that it is a fairly prevalent offence? Do we mean that the third kid before the court should get a stiffer penalty than someone who was before the court a week before? The penalties are not discouraging the offence. That is just one point.

The community as a whole has changed its opinion on what sentencing shall be. The sentences and the penalties that are handed down for various offences have evolved. Throughout the world, we have different attitudes to different crimes. In some countries, crimes against women are not considered serious. Women are treated as chattels, as just another possession. In our culture, we impose very strict penalties on those people who offend against women. That is our culture. We protect and respect our womenfolk.

Ms Power: Not very well, in my experience.

Mr FITZGERALD: I understand that the honourable member has certain reservations about my statement. This country is just over 200 years old. Many of our forebears came to Australia because they were sentenced to transportation to the colony of New South Wales for what we now consider to be very minor crimes. How many of those convicts would have loved to have come before our magistrates now? People were sentenced to seven years at Van Diemen's Land for pickpocketing. If people were caught poaching the lord's venison, they may have been sent here for life. Today, those people would get a community service order. However, that happened to be the attitude of the community to those crimes at that time. Attitudes will continue to change. Now, when heinous crimes are committed, we often hear the cry in the community for the return of capital punishment. I do not support the return of capital punishment. That is my view. However, we do hear those cries from people who believe that we must have retribution because a terrible crime has been committed. I am certain that, in a referendum, the community would welcome a return to capital punishment under certain circumstances and at certain times. Capital punishment is such an emotional issue. At the time, emotions can really be stirred up. We should all be aware of what the community wants.

At times, criminologists defend sentencing options and say that the sentencing is not solving the problem. There is now a science of criminology. The views of students of that science will often differ greatly from the views of the wider community. It is a fact of life that those people are often held up to ridicule. Those people will say that people do not understand the problem and that, if a particular line is taken in treating offenders, there will be less recidivism. However, the general community often does not believe them.

I notice that, during the last session of Parliament, amendments to the Criminal Code were before the House to provide stiffer penalties for those people who had

escaped or who had assisted people to escape from penal institutions. At the time, I claimed that that was only huffing and puffing by the Government, which was pretending to get tough with escaped prisoners because the number of escapes from those institutions was becoming embarrassing. I again make that claim. It is only a show to pretend that the Government is getting tough. I ask the Attorney-General to tell me in his reply how many prisoners who have escaped have been charged under the Criminal Code and how many have been charged under the corrective services legislation in the past 12 months, two years, or whatever it is. I maintain that the Government is not charging escapees under the Criminal Code. It is charging them under the corrective services legislation, which provides for much lesser maximum penalties. The Attorney-General is doing a lot of huffing and puffing about getting tough.

The sentence for escaped prisoners should be so tough that those who escape are put into a much more secure prison and do not have the opportunity to escape again. It is quite noticeable that a large number of people who escape from prisons have escaped before. That is just not on. The system is failing when dangerous criminals who have been convicted of serious offences escape. Those prisoners might have been trusted or might have appeared to have mended their ways. If they escape and breach the confidence that was placed in them, the community demands that those prisoners go back into a tougher institution from which they will not have a chance to get out again, and let that be a lesson to all the others. It is an example to other offenders that they will not get away with that behaviour, that society does not condone it. I know that, often, prisoners do not come back to prison from day release. They, too, must receive strict penalties. In a way, I feel sorry for them. Some of those people might have only a couple of months to serve of a long sentence, but they will suddenly attempt to escape or escape and get caught. I still believe that a harsh penalty must be handed down to them so that everyone understands the rule—"If you escape and you get caught, very stiff penalties will be imposed upon you."

A lot can be said about the Bill. It is a large piece of legislation. Many people will study it. The Bill amends a number of Acts, which are listed in the Schedule. The Opposition supports the legislation. We will monitor the way in which it is administered. We may see the legislation come back before the House. The Attorney-General thought that he had introduced perfect legislation, but in came the amendments while the Opposition spokesman was on his feet. He was hit with a lot of amendments, some of which are minor.

Mr W. K. Goss: He's quick on his feet.

Mr FITZGERALD: Yes, he is quick on his feet. Government members are so arrogant that they do not even pass copies of those amendments around before the debate.

Mr W. K. Goss: If you are going to talk like that, I withdraw the compliment.

Mr FITZGERALD: I accept the Premier's apology. We know that in the past all Governments have had to amend legislation on the floor of the House because some minor imperfections that occurred in its drafting may have required correction. However, as a general practice, it is not fair to hand to the Opposition spokesman a list of proposed amendments when he is on his feet saying that the Opposition intends to support the legislation. I do not condone that. It should be avoided at all costs. The Premier is being a little bit humorous. However, I believe that those sorts of things should be avoided. If possible, the Government should circulate the proposed amendments beforehand, particularly to the Opposition spokesman, so that at least he has a fair go.

Ms POWER (Mansfield) (12.38 p.m.): I rise in support of the Penalties and Sentences Bill 1992, first introduced in this place by the Honourable Dean Wells, Minister for Justice and Attorney-General, prior to the State election on 19 September, an election at which Queenslanders rejected resoundingly a discredited Opposition which was forced to resort to a sleazy American-style law and order campaign in a grubby attempt to win votes. What the Opposition has not appreciated—and still does

not appreciate—is that on 2 December 1989 and 19 September 1992, Queenslanders voted for progressive reform, and against the reactionary and regressive policies that a Borbidge National Party Government, propped up by the Liberals, would represent.

This Bill stands as another significant milestone in the implementation of the Goss Labor Government's law and order reform agenda, a reform agenda that addresses the real policing, criminal justice and corrections issues facing Queenslanders in the 1990s. Before focusing on some of the specifics of the Bill, I wish to describe its role in the Goss Labor Government's plan to fight back against crime and contrast our plan with the Opposition's backward, narrow and pernicious approach to dealing with this growing community problem. The Goss Labor Government's plan to fight back against crime encompasses three important strategies: firstly, the development of a crime prevention strategy based on better resourcing the Police Service and an enhancement of community policing programs such as Neighbourhood Watch; secondly, reform of Queensland's criminal justice system to enable the courts to more equitably and consistently dispense justice; and thirdly, reform of the correctional system to ensure that rehabilitation, for the majority of offenders, is elevated up to and alongside punishment and is its paramount objective.

The Penalties and Sentences Bill, together with the draft Criminal Code, will play an important role in achieving both the second and third objectives of the Government's plan. With reference to the proposed reform of the criminal justice system, the Minister ought to be congratulated on modernising the criminal law after three decades of legislative lethargy and neglect by successive conservative Governments. For the first time in Queensland, penalty and sentencing provisions are to be consolidated in a single statute which is drafted in plain English and which is logical, consistent and comprehensive.

Once enacted, this Bill will be the mechanism under which offenders pass into the correctional system. Judges, subject to the governing principles and sentencing guidelines set out in the Bill, will now have access to an array of innovative sentencing options, including community service orders, fine option orders, intensive correctional orders, suspended sentences, imprisonment and indefinite imprisonment. This Bill, importantly, gives the criminal justice system increased flexibility to stream offenders into the most appropriate correctional programs. It recognises that for the majority of offenders, with the exception of those serving indefinite sentences, protection of the public and punishment cannot be viewed as the exclusive aims of sentencing, because the offender will at some stage be released back into society. This Bill provides for a fair, just and humane sentencing regime which ensures that those who are a danger to the community are incarcerated while others convicted of less serious offences are now liable to serve non-custodial sentences in which they are required to actively and positively contribute to repaying their debt to the community.

During the last election campaign, the conservative parties indulged in an orgy of scaremongering, travelling the State whipping up hysteria and playing on the fears of Queenslanders. Members on this side of the House may well ask, "Well, what's new?" It seems that the Opposition knows no bounds to the depths of depravity to which it will stoop to win votes. In a piece of shameless hypocrisy, the Liberals used a family tragedy in a grubby attempt to implicate the Government in a brutal murder. It is shameless because the Liberals condemned an early release scheme that they had previously supported in this place. For the Opposition, the solution to crime in Queensland is brazenly simple. Apart from uncosted plans to put more and more police on the streets and promises of enforcing curfews on Queensland streets, promises which are trotted out every election, the coalition now advocates the introduction of truth in sentencing legislation.

Does truth in sentencing work as a deterrent to crime? The answer is a resounding "No". The evidence to support this conclusion is compelling. For example, Ivan Potas, research director to the Judicial Commission of New South Wales, concludes in a

review of the Sentencing Act 1989, the New South Wales equivalent of the Liberals' proposed truth in sentencing legislation—

> "Imprisonment has failed as a rehabilitating measure, its effectiveness as a deterrent is questionable, and it contributes significantly to the maintenance of a criminal sub-culture which works against the very objects for which it is designed."

Since the introduction of truth in sentencing in New South Wales, its prison population has increased from 80.8 prisoners per 100 000 of the population in September 1989 to 96 per 100 000 in December 1990. In spite of truth in sentencing, crime rates in New South Wales have remained comparable with those in other Australian States. If the Chamber wants a taste of the ultimate consequences of truth in sentencing, just look at the US experience. As the member for Cleveland said, the rate of incarceration accelerated from 200 prisoners per 100 000 head of population to 400 when truth in sentencing came into vogue. By 1993, it is expected to pass 500, eclipsing South Africa and the former Soviet Union in levels of punitiveness. Yet the incidence of violent crime is still rising. In fact, there is a growing body of evidence that truth in sentencing legislation is contributing to the growing cycle of violence in the USA. Truth in sentencing is fuelling prison unrest, brutalising the entire correctional system and has created a permanent criminal underclass. The only beneficiaries of this approach have been the prisons construction lobby.

At the end of the day, when the coalition's truth in sentencing policy is stripped bare of its simplistic rhetoric, it is seen for what it is: a narrow, reactionary, regressive policy founded on a barren ideology that is doomed to failure. Under the coalition's policies, prison hulks would be floating in the Brisbane River to accommodate the explosion in Queensland's prison population, and for what benefit? That would have a nil impact on reducing the crime rate in Queensland. This again demonstrates that John Hewson is not alone in having a nineteenth century view of the world.

The Liberal and National Parties have embraced a regressive, one-dimensional approach to tackling crime. More prisons and regressive truth in sentencing legislation will not deter crime but serve only to brutalise the entire correctional system, at a time when Queenslanders are demanding a more sophisticated and multifaceted approach to policing, criminal justice and corrective services. Unlike the Opposition, the Goss Labor Government has a plan to fight back against crime. This Bill forms an important element in what is a comprehensive strategy to attack both its symptoms and causes.

I turn now to the Bill. For most of this century, all provisions relating to penalties and sentencing which may be imposed on people convicted of criminal offences have been scattered across a variety of enactments: the Criminal Code, the Justice Act, the Corrective Services Act, the Penalty Units Act and the Vagrants, Gaming, and Other Offences Act. Furthermore, sentencing provisions were drafted in language which was not consistent, resulting in a variety of enactments with inconsistent administration and enforcement schemes. As part of this Government's continuing commitment to ensuring that all Queenslanders have a criminal justice system that is comprehensive, consistent and designed to come to grips with contemporary law and order issues, the Penalties and Sentences Bill marks a new stage in the modernisation of Queensland's criminal law.

This Bill consolidates all types of penalties and sentencing into one enactment and contains a number of significant reforms. As I said earlier, it is also expressed in uniform and more readily understood language. Sentencing guidelines are provided by the Bill which will guide the courts of all criminal jurisdictions towards applying common criteria so that a higher degree of conformity and consistency may be achieved in sentences imposed throughout this State.

One of the many reforms contained in the Bill is the introduction of an intensive correction order. Intensive correction is particularly designed to be applicable where, in other circumstances, a period of imprisonment of up to 12 months may be the only other appropriate sentence. However, the intensive correction order, although not automatically sending the offender to prison, is effectively a sentence of imprisonment which is served in the community and not in a prison. The order will impose very strict

conditions of surveillance and attendance on the offender to ensure that the offender makes appropriate restitution in one form or another for the crime committed. In the event of the offender behaving appropriately under the conditions provided in an intensive correction order, not only does the offender have the opportunity of rehabilitation within the community but also the community itself is spared the considerable expense of having a citizen unproductively imprisoned. Thus, this order fills a gap between straightforward community service at the lower end of the scale and imprisonment at the higher end of the scale.

Another significant reform contained in the Bill is the reintroduction of the suspended sentence option. Originally provided in the Criminal Code about 20 years ago, the suspended sentence was effectively removed as a viable sentencing tool available to courts. Although a much-diluted form of suspended sentence remained in the Criminal Code, it has in practice proved to be ineffective and appears to have largely fallen into disuse. The reintroduction of the suspended sentence further enlarges the armoury of sentencing options available to courts. It is a considerable punishment placed on any offender, but stops short of depriving the offender of liberty, employment and effective rehabilitation within the community. However, should the offender not grasp the chance being offered by suspended imprisonment and commit another offence during the course of the suspended sentence, the appropriate court is empowered to imprison the offender forthwith. Thus, the suspended sentence is a final, terrible warning that the courts will now be able to employ.

Reforms have been made to fine option orders to ensure that, as far as possible, a person who has been sentenced to pay a fine will not, as a result of genuine hardship which prevents payment of the fine, be imprisoned. People will not go to gaol just for being poor. One reform contained in the Bill does not relate strictly to sentences but is of significance. The Bill seeks to repeal section 299 of the Criminal Code, which provides that an offender is not deemed to have killed a victim if the death of the victim does not occur within one year and one day of the cause of death. Section 299 of the Criminal Code is effectively a restatement of a common law rule which originated when medical science was not sufficiently advanced to determine complex issues of causation of death. That the rule has outlived its usefulness may be gauged by the following example. A victim is stabbed with an AIDS-infected needle but does not die until two years later. Both common sense and the Queensland community would be outraged in such circumstances if the offender could not be put on trial for murder or manslaughter, depending on the circumstances of the case, simply because the victim survived for two years rather than one. Furthermore, the repeal of section 299 brings Queensland into line with other jurisdictions in Australia which have repealed, or are currently in the process of repealing, similar provisions. This Bill not only fulfils this Government's pre-election commitment to law and order but also provides just and, where necessary, stern sentencing options which are logical, consistent and comprehensive. I support the Bill.

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (12. 51 p.m.), in reply: I thank honourable members for the contributions that they have made to the debate. I take this opportunity to draw the attention of the House to the Preamble, which defines the concept of justice. It states—

"WHEREAS—

> Society is entitled to protect itself and its members from harm;
>
> The criminal law and the power of courts to impose sentences on offenders represent important ways in which society protects itself and its members from harm;
>
> Society may limit the liberty of members of society only to prevent harm to itself or other members of society;"

The honourable member for Lockyer spoke about the dangers of retributivism. This Bill is not based on the idea of retributivism. Justice does not mean retributivism and, where the term is used in the Bill, it should not be taken that the Legislature

intended it to mean so. This Bill is based on the idea of protecting society from harm. Notions such as the doctrine of proportionality, which is derived from the philosophy of retributivism, is not part of this Bill. The criteria to which courts can expected to be addressed are contained in clause 9. Those criteria are derived from the rational utilitarian philosophy of protecting society and its members from harm—the philosophy which is contained within the Preamble of the Bill.

The honourable member for Indooroopilly raised the question of whether or not there were adequate safeguards in the section of the Bill that relates to indefinite sentences. It may be of interest to the honourable member if I give him the assurance that those adequate safeguards are present. The member might also be interested in a judgment of the High Court in Veen v. R. (No. 2) (1988) 62 ALJR 224 at 239, in which Mr Justice Deane stated—

> "The protection of the community obviously warrants the introduction of some acceptable statutory system of preventive restraint to deal with the case of a person who has been convicted of violent crime and who, while not legally insane, might represent a grave threat to the safety of other people by reason of mental abnormality if he were to be released as a matter of course at the end of what represents a proper punitive sentence."

This Bill is that acceptable statutory system of preventive restraint, which was anticipated by Mr Justice Deane. The honourable member for Indooroopilly raised a number of other issues concerning police, juveniles and victims of crime. Obviously, this Bill does not address all of those matters. They have been addressed by other Ministers in charge of other Bills. However, I should mention that in 1989, in Queensland, there was one police officer for every 523 civilians. Currently, that ratio is one police officer for every 478 civilians. In 1989, in New South Wales, the ratio was one police for every 465 civilians. Currently, the ratio in that State is one police officer to every 460 civilians. The clear indication is, in that respect, Queensland is improving at a much more rapid rate than New South Wales.

The honourable member referred to the activities of juveniles, the fact that this Bill does not cover them and the fact that he perceives little to have changed since the passage of the Juvenile Justice Bill. He cannot expect everything to happen all at once. Shortly, the Juvenile Justice Bill will begin to show the very benign effects that it will have on the community. The honourable member for Indooroopilly also raised the matter of victims of crime. Of course, this Bill cannot address all the concerns of victims of crime. However, it addresses very many of them. If the honourable member reads clause 9, he would see that clause 9 (2) (c) states—

> "the nature of the offence and how serious the offence was, including any physical or emotional harm done to a victim . . ."

That clause states one of the factors to which the courts must have regard in imposing sentences. The honourable member would also be interested to note that under this legislation, when sentencing people convicted for property offences, the courts must consider restitution. In the past, that was not the case; it was only "may consider restitution". Therefore, under this legislation, if somebody has lost property as a result of the criminal activity of another person, the court must consider the question of restitution. Clause 14 is also a clause which assists people who have been victims of property offences. I remind the honourable member that this clause states that if the court considers that it is appropriate to make an order for compensation, whether under this or another Act, or to impose a fine or to make another order for payment of an amount of money, that if the offender cannot pay both the compensation and the fine or amount, the court must give preference to making an order for compensation, but may also impose a sentence other than that of imprisonment. That is to say that where money is owed both to the State and the victim, the victim must be given priority.

A number of concerns relating to the victims of crime are addressed in the Bill. The honourable member for Lockyer made a contribution, for which I thank him. He asked specifically about clause 9 (2) (h) of the Bill, which indicates that when determining the

extent of the penalty, the court must refer to the prevalence of an offence. The intention of that clause is the deterrent intention, that is, an indication that the courts may act in order to deter an offence.

I thank the honourable member for Mansfield for her remarks. I appreciate her continuing interest in this area of criminal law. It is one matter on which she has often made representations to me on behalf of her constituents, who are well served by having as their member someone who has that kind of grasp of this area of criminal law, particularly as it affects the ordinary men and women of Queensland.

I thank the honourable member for Cleveland for his contribution. For the past three years, the honourable member has been a member of my advisory committee. His hand has shown its touch in many of the Bills that I have brought before this House, but none so much as in this Bill. I thank him for the contribution that he has made today and heretofore. I also thank the honourable member for Indooroopilly for the support that he has offered for the Bill on behalf of the coalition Opposition.

Motion agreed to.

Committee

Hon. D. M. Wells (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) in charge of the Bill.

Clauses 1 to 14, as read, agreed to.

Sitting suspended from 1.01 to 2.30 p.m.

Clause 15—

Mr BEANLAND (2.30 p.m.): Clause 15 relates to information on sentence under the governing principals of this legislation. I have a question of the Minister in regard to this clause. It is clear that any other information, including a report under section 201 of the Corrective Services Act—which, from memory, relates to probation orders—may be able to be provided to the court to enable it to impose a proper sentence. However, it is not clear whether the information that will be provided will be subject to the rules of evidence of the court. I seek some clarity on the issue of whether or not the information on sentencing will be subject to the rules of evidence. A wide range of information could be provided to the court on a number of issues. For example, there may be a statement from a victim of crime. Is that statement going to be subject to the rules of evidence? Various other bits and pieces might be provided to the court to assist it in making a decision. I seek some clarity on that point.

Mr WELLS: This Bill does not alter the existing law as stated in section 650 of the Criminal Code.

Clause 15, as read, agreed to.

Clauses 16 to 54, as read, agreed to.

Clause 55—

Mr WELLS (2.31 p.m.): I move the following amendment—

"At page 34, lines 22 and 23—

omit 'or other penalty'."

The reason for this amendment is redundancy.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clauses 56 to 64, as read, agreed to.

Clause 65—

Mr WELLS (2.32 p.m.): I move the following amendment—

"At page 40, line 26—

omit 'comply with the original order', *insert* 'pay the fine'."

The reason for the amendment is clarity, since the clause is only about fines and it makes sense simply to say so.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clauses 66 to 70, as read, agreed to.

Clause 71—

Mr WELLS (2.33 p.m.): I move the following amendment—

"At page 42, line 22—

after 'offender', *insert* 'that the offender'."

The reason for this amendment is grammatical felicity.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clauses 72 to 99, as read, agreed to.

Clause 100—

Mr WELLS (2.34 p.m.): I move the following amendment—

"At page 57, line 23—

omit the heading, *insert*—

'Court may make order whether or not conviction recorded'."

The purpose of this amendment is purely clarity of expression.

Amendment agreed to.

Clause 100, as amended, agreed to.

Clauses 101 to 106, as read, agreed to.

Clause 107—

Mr WELLS (2.35 p.m.): I move the following amendment—

"At page 60, lines 22 to 27—

omit subclause (5), *insert*—

'(5) Subject to subsections (2) and (4), all community service that an offender is required to perform under subsections (1) and (3) is to be performed cumulatively unless the court orders that it is to be performed concurrently.'."

Again, the purpose of this amendment is clarity of expression.

Amendment agreed to.

Clause 107, as amended, agreed to.

Clauses 108 to 118, as read, agreed to.

Clause 119—

Mr WELLS (2.36 p.m.): I move the following amendment—

"At page 65, line 25—

omit 'restriction', *insert* 'restitution'."

The reason for this amendment is a typographical error.

Amendment agreed to.

Clause 119, as amended, agreed to.

Clauses 120 to 133, as read, agreed to.

Clause 134—

Mr WELLS (2.37 p.m.): I move the following amendment—

"At page 74, line 10—

omit 'any', *insert* 'pay'."

The reason for this amendment is grammatical felicity.

Amendment agreed to.

Clause 134, as amended, agreed to.

Clauses 135 to 156, as read, agreed to.

Clause 157—

Mr WELLS (2.37 p.m.): I move the following amendment—

"At page 84, lines 1 to 7—

omit subclause (5) (b), *insert*—

'(b) if it is a court of lesser jurisdiction to the court that last made a recommendation of a non-parole period for the offender, recommend a non-parole period in relation to the fresh term of imprisonment imposed by the court.'."

The reason for the amendment is for simplification of layout.

Amendment agreed to.

Mr WELLS: I move the following further amendment—

"At page 84, line 16—

omit 'commences', *insert* 'starts'."

This is a controversial amendment. Different minds will differ as to whether the word "commences" is preferable to the word "starts"; nevertheless, that seems to be the issue here.

Amendment agreed to.

Mr WELLS: I move the following further amendment—

"At page 84, lines 17 to 24—

omit subclauses (6) and (7), *insert*—

'(6) If a recommendation is made under subsection (3) (b) and the existing non-parole period—

(a) has not ended—the non-parole period in relation to the total period of imprisonment is the total of all non-parole periods that are in force; or

(b) has ended—the non-parole period in relation to the fresh term of imprisonment—

(i) starts on the day the recommendation is made; and

(ii) must not be longer than the term of imprisonment imposed on the offender.'."

The reason for the amendment is for the purposes of layout.

Amendment agreed to.

Clause 157, as amended, agreed to.

Clauses 158 to 161, as read, agreed to.

Clause 162—

Mr WELFORD (2.40 p.m.): This clause commences a series of provisions relating to indefinite or indeterminate sentencing. These are controversial provisions which have at their base a repudiation, as the Attorney previously indicated in his reply to the second-reading debate, of the principles of the retribution theory of punishment. It may pay us to look briefly at this question, because it goes to the very heart of what this Parliament understands to be the role of punishment in our society. For a long time it has been regarded as an appropriate principle upon which to dispense punishment that what we are really about is simply according people their just deserts. Those in favour of retribution say that what punishment is really about is punishing people according to their deserts for their culpable deeds. There may be five bases upon which punishment should be dispensed on that ground—

(1) that the offender behaved culpably;

(2) the penalty will give satisfactions equivalent to the grievance caused by the offender's action;

(3) similar penalties have been and will be imposed on similar offenders;

(4) the offender was responsible for the action and performed it with a knowledge of possible consequences according to a penalty system; and

(5) unlike non-offenders, the offender had gained satisfactions attendant on the commission of an offence.

That focuses on, first of all, the apparent benefit that the offender gains by committing the deed which gives rise to the offence, and the level of distress caused to the person who may be the victim. The question arises: what is the fundamental moral justification for the penalty being dispensed according to some sort of theory of retribution? The first thing that needs to be disposed of is that, whatever punishment is under the retribution theory or otherwise, it is not revenge, and it ought not be revenge. One of the problems with the retribution theory is that it is based on the same principles that would justify revenge, and what punishment is about is, on our view, protecting the community. Fundamentally, the bottom line is that we need to protect the community. There may be other justifications for imposing a penalty, but revenge alone is not justification. For example, if revenge alone is a justification, what we are saying is that our emotional reaction to the person's behaviour is justification for imposing some sort of distress on the offender. The question is: how do we determine whether any particular penalty is deserved? One of the governing principles in the Bill which underpins these provisions relating to indeterminate sentencing is that the punishment must be dispensed according to what is just.

One thing that is certain is that justice alone does not entail retribution, because justice entails concepts of equality of treatment. The question arises: do we dispense a punishment or impose a penalty on an offender simply on the basis that we are trying to level up the equality of satisfaction or distress that the offender feels as against the offender's victim or other people in the community? The trouble with that is that simply imposing a penalty can never be a certain way of providing for equality of satisfaction, if that is the fundamental moral principle. For a start, we do not live in an equal society. If equality of satisfaction or compensating the distress of a victim is the basis for imposing a penalty to a certain extent, we are left with the problem of a precondition that the victim or the community may have which places people at a level of inequality already. How does one assess the penalty? Does one assess it according to the distress that the victim actually suffers, or does one assess the penalty according to how much advantage the offender might have gained? The trouble is that there is such a vast variety, in terms of the benefits and costs that the community bears in a pre-existing state before the offence has occurred, that one can never be precisely sure whether the penalty that one is imposing—by way of just deserts, if that is what retribution is about—is, in fact, the correct penalty. One can never weigh up the extent to which the

offence makes a difference to the pre-existing inequalities between the offender and the community before the offence occurs.

The other problem is that if people are punished on a retributive basis according to what they deserve, that involves some assessment of their responsibility for their offence. Experience now tells us that people are not always responsible for their actions. Certainly, there are varying degrees of responsibility. We can never assess that responsibility directly. So, again, the problem is: how do we assess, according to the retribution theory, a specific level of penalty if we cannot assess how the level of distress on the victim or the level of responsibility of the offender is to be measured in any particular circumstance?

The other point I make is that to rely entirely on the retribution theory ignores the consequences and advantages of the kinds of penalties or punishments that one might want to impose. That is clearly inconsistent with our commonsense attitude to what punishment is all about. Part of the process of punishment is to achieve consequences which are advantageous to the community as a whole. Again, we run into the problem of assessing the rights of an individual as distinct from the collective interests, or the public interests, of the community as a whole. The retribution theory states that we look only at the distress of the victim or the satisfaction gained by the offender to determine the level of the penalty. That ignores the consequences and advantages that we might otherwise want to flow from the penalties and punishments that we impose.

I want to finish on a point about revenge. The real problem about the question of retributivism is that, at the end of the day, it is a moral argument based on satisfying a grievance. If when we punish someone we are satisfying a grievance that the community or the victim has towards that individual, then what we are really saying is that what underpins that grievance is an emotional reaction—that it is really just an assessment of emotional revenge. As I have already indicated, revenge alone cannot be our moral justification for imposing a penalty or punishment. There has to be more sophisticated and more rational bases for doing that. Those sets of provisions are designed to achieve something beyond the mere simple proposition that revenge is, of itself, a sufficient condition for the punishment. We are saying that, beyond the characteristics of the offence and the distress of the victim, there are broader community goals and responsibilities that need to be satisfied, and among them is the protection of the community from the potential for reoffending by a person whose past behaviour demonstrates that potential.

Mr BEANLAND: I refer to the definition of “nominal sentence” and to the three questions that I asked the Minister during the second-reading debate. The Minister may have replied, but I do not recollect getting an answer. Although it appears that it might be the case in certain situations, I would nevertheless like clarification on the three points that I raised so that it is quite clear in my mind. The three questions are: what is the advice from the Minister as to whether a nominal sentence is appealable as distinct from the indefinite sentence which is appealable; secondly, does a reviewing judge have a discretion to lengthen and shorten the nominal sentence; and, thirdly, can a fixed sentence be imposed which has the effect of substantially enlarging a nominal sentence?

Mr WELLS: The answers to the honourable member’s three questions are, “Yes”, “Yes” and “Yes”. I did indicate during his speech that that was the view, but obviously at that time he had his mind on what he was saying. I would like to thank the honourable and learned member for Everton for the contribution that he just made to the debate. I confirm that the community goals to which he referred in his remarks are those which are stated in the Preamble of the legislation.

Clause 162, as read, agreed to.

Clauses 163 to 169, as read, agreed to.

Clause 170—

Mr BEANLAND (2.51 p.m.): In relation to clause 170—it is clear that there is a need for clarity in regard to the standard of proof. Perhaps the Attorney-General can provide some clarification. We know that in criminal cases, at the very least, one requires a standard of proof beyond reasonable doubt. It is not clear to me whether the terminology used in this clause—"by acceptable, cogent evidence" and "to a high degree of probability"—connotes the standard of proof that would normally apply in a criminal case. I would like some clarification in relation to that.

Mr WELLS: I thank the honourable member for drawing attention to this important question. The first point I would like to make is that the standard of proof which is indicated here is a standard of proof which arises after a conviction and after the standard of beyond all reasonable doubt has already been satisfied. What we are dealing with is a situation in which we are requiring a standard of proof that is effectively higher than that of beyond all reasonable doubt, because the person has already been found to be guilty of an offence beyond all reasonable doubt, to which a nominal sentence of life imprisonment is applicable in most cases.

The second point is that normally when this section is to be regarded by the courts, they will be dealing with somebody who has not only been found guilty beyond all reasonable doubt already, but also who has been found guilty beyond all reasonable doubt on more than one occasion. Frequently, we are dealing with recidivistic offenders and most frequently with people who have committed offences that attract sentences of life imprisonment. This is an additional standard of proof that has to be borne by the Crown in order to enter into the provisions of the indefinite sentencing regimen as distinct from the provisions for a nominal sentence of life imprisonment. In those circumstances, it was thought appropriate that the appropriate provisions should be those of the United Kingdom Bail Act which require assessment of potential future actions of an offender. The point relates to the future risk of serious physical harm. I emphasise that the court is being invited to consider those circumstances only in circumstances where the burden of proof, namely, beyond all reasonable doubt, has already been satisfied.

Clause 170, as read, agreed to.

Clause 171, as read, agreed to.

Clause 172—

Mr WELFORD (2.55 p.m.): I seek clarification in relation to this clause and the following clause which relate to the control exercised by the courts over the review of sentences of this kind. Obviously, one of the concerns which would justifiably be held by the community in looking at these questions is the extent to which people outside the courts system—for example, psychologists and the like whose assessments are often regarded as speculative at best and dangerous at worst—exert some control of the review of the declaration of a person as a dangerous offender, and to what extent the declaration is retained under the control of the court. In particular, I would like the Attorney to clarify whether the only process upon which a person can continue to be declared to be a serious danger to the community is by a review of the court.

Mr WELLS: The answer to the honourable member's question is "Yes, it is all within the power of the court." I might add, though, that when somebody who has been sentenced under the indefinite sentencing provisions of the Penalties and Sentences Bill seeks a discharge by virtue of the fact that the court comes to the conclusion that the appropriateness of the indefinite sentence no longer exists, the person will not be released into the community but, rather, will be released into the hands of the Corrective Services Commission. At that stage, normal Corrective Services Commission processes will take over.

Clause 172, as read, agreed to.

Clauses 173 to 194, as read, agreed to.

Clause 195—

Mr BEANLAND (2.57 p.m.): I presume that this clause is constitutionally correct and that the Minister has checked it out. At this stage, I have not done so. Quite often, these issues are the ones that turn out to have some constitutional problem attached to them. I presume that it has been checked and that it is quite in order.

Mr WELLS: The answer is "Yes". The property in the passport continues to be held by the Minister for Foreign Affairs, just as it did when the person convicted had it in his or her own possession. It is only the custody of the passport that changes.

Clause 195, as read, agreed to.

Clauses 196 to 207, as read, agreed to.

Schedule—

Mr WELLS (2.58 p.m.): I move the following amendment—

"At page 114, line 16—

omit '7', *insert* '6'."

Amendment agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

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

INDUSTRIAL RELATIONS AMENDMENT BILL

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (3.01 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Industrial Relations Act 1990."

Motion agreed to.

Mr DEPUTY SPEAKER read a message from Her Excellency the Governor recommending the necessary appropriation.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Foley, read a first time.

Second Reading

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (3.02 p.m.): I move—

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

The achievement of labour market reform through encouragement of workplace bargaining is fundamental if we are to make the Queensland economy more productive and internationally competitive. The challenge to our generation is to achieve long-term strategies for tackling unemployment and ensuring economic growth. The measures proposed in this Bill are based on this Government's approach to industrial reform, which stands in stark contrast to the Opposition's alternative. The central elements of our approach are—

a flexible industrial relations system which will build on Queensland's strong economic foundation to achieve growth, improved competitiveness, increased job satisfaction and job creation;

a commitment to consultation and cooperation between workers, their unions and employers which is essential if industrial relations reforms are to be achieved on an ongoing and sustainable basis;

support for an independent industrial tribunal which is able to provide social protections and through conciliation and arbitration is able to contribute to industrial stability; and

encouragement of the democratic functioning of organisations of employees and employers.

The Industrial Relations Act 1990 which was introduced by the then Minister, Mr Nev Warburton, established a legislative framework based on these elements. The Industrial Relations Act 1990 was based largely on the celebrated report of the committee of inquiry into the Industrial Conciliation and Arbitration Act of Queensland which was headed by Ian Hanger, QC, and appointed by the previous Government in July 1987. The Hanger report recognised the importance of the role of the Industrial Commission as an independent umpire, acknowledged that workers' organisations have a legitimate place in the industrial system and noted the need to create an industrial relations framework which is flexible enough to meet the needs of a rapidly changing economy and society. The measures in this Bill are consistent with this approach.

I turn now to the key proposals of the Bill. The Bill has seven main elements: provision for certified agreements, rationalisation of union coverage, amalgamation of industrial organisations, conduct of election ballots for industrial organisations, reformed long service leave arrangements for seasonal workers, improvements in rights available to individuals, and amendments to improve the operation of the Act.

Certified Agreements

Whilst all the amendments are important, the most crucial is the provision of a legislative framework to encourage and facilitate enterprise bargaining or, as it is also known, workplace bargaining. Enterprise-based bargaining has the potential to accelerate micro-economic reform at the enterprise level by allowing the development of workplace-specific arrangements. This is vital for Australian firms to achieve their necessary level of competitiveness, both domestic and international. The Queensland State Wage Case decision of January this year enunciated principles for enterprise-based bargaining. The decision also referred to some difficulties in the current provisions of the Industrial Relations Act. The Queensland Government publicly committed itself in April 1992 in the document, Leading State, to removing those procedural barriers limiting application of enterprise bargaining.

The Bill provides that an industrial organisation and an employer or employer organisation can negotiate an agreement which is then taken to the Industrial Relations Commission for certification. The Industrial Commission has to certify the agreement if it is satisfied that there is no disadvantage to employees; that there is a grievance settling procedure; that employees have been consulted by their union; that there has been a single bargaining unit; and that there is a specified period of operation. A key element of the new certified agreements provision is that a certified agreement must not disadvantage the employees it covers in respect of their terms and conditions of employment. The circumstances in which the commission may find that an agreement will disadvantage employees are specified. The aim is to allow for some flexibility in the arrangements which the parties may include in a certified agreement, but to prevent reductions in protections or entitlements if they are unfair or against the public interest. The commission will be able to refuse to certify an agreement which applies more widely than to a single business if, as now, it considers the agreement to be contrary to the public interest.

For an agreement which applies to a single business, part of such a business or a single workplace, the commission will only have such a discretion if the Minister for Industrial Relations applies to have the agreement's effect on the public interest considered. This ministerial power will only operate for 18 months as a safeguard while the operation of the new provisions becomes established. Similar conditions will apply to the commission's powers to review an agreement's operation once certified. A certified agreement will still be variable only during its specified period of operation on limited grounds, reflecting the agreement's "closed" nature. After the end of the period of the agreement, it remains in force, unless the parties replace it or one of them retires from the agreement. These provisions for certified agreements mirror the Commonwealth's legislation. This means that employers can use similar procedures to strike bargains with employees under both State and Federal awards in the same workplace. This will help to cut red tape.

Rationalisation of Union Coverage

The flexibility which is potentially available through enterprise-based bargaining needs to be supported by reform of union coverage at the enterprise. These concerns were borne in mind when the principal Act was introduced in 1990. Provisions were included that simplified union amalgamations and facilitated the implementation of single union sites. The latter are particularly useful on greenfield sites where sole coverage can be given to one union with many benefits being achieved for employers and employees alike at the negotiation and operation stages. This Bill proposes to realign State provisions with those of the Commonwealth.

The amendments satisfy another undertaking given in Leading State, that is, to amend the Industrial Relations Act to facilitate union rationalisation. The amendment provides that an industrial organisation, an employer or the Minister can apply to have a full bench alter a union's rights to represent by making those rights exclusive, removing them or conferring them. Also, it is now mandatory that in such applications the full bench must consider consulting appropriate peak councils or industrial organisations. This is a key mechanism of reform since it allows speedy resolution of issues of coverage that can be site specific. The Government is keen to have this provision used as much as possible as a contribution to labour market reform. This is reflected in a new object for the Act—

> "to encourage and facilitate rationalisation of the coverage of industrial organisations, particularly by reducing the number of industrial organisations that are in an industry or enterprise."

Amalgamation of Industrial Organisations

The current provisions in the Industrial Relations Act covering amalgamations are to be repealed and replaced with provisions similar to those in the Commonwealth Act. The intent is to streamline the procedures. It is proposed that a statement of legislative intention be included in the Act. This will emphasise the importance attached to the new objects relating to amalgamations. This statement emphasises the need for expedition and for minimising possible problems in the amalgamation process. The provision will provide guidance to the commission when it comes to exercise its powers in relation to amalgamations. Key proposals to achieve these aims are—

> permitting an industrial organisation to use its resources to support the amalgamation;
>
> permitting a community of interest to be declared when certain criteria are met by a substantial number of members of one of the organisations where previously the criteria had to be met by a substantial number of members of each organisation;
>
> providing for the Electoral Commission of Queensland to conduct the ballots and these must be done within 28 days of the Industrial Commission approving the submission of the amalgamation to go to ballot;

the Industrial Commission being given increased powers, to give directions and orders to resolve difficulties which arise in the implementation of a scheme for amalgamation. To facilitate the operation of the amalgamated organisation, provisions have been included to speed up the transfer of assets.

Currently, if the commission approves, a ballot does not have to be conducted of members of a large organisation which is amalgamating with smaller organisations. Such an exemption may be granted where the membership of the smaller bodies does not exceed 5 per cent of the total membership of the proposed amalgamated organisation. This figure is to be increased to 25 per cent. The exemption still will be subject to approval by the commission.

Conduct of Election Ballots for Industrial Organisations

One of the recommendations of the inquiry into the activities of particular Queensland unions—the Cooke inquiry—was that elections of industrial organisations be conducted by the State Electoral Commission, as occurs in the Commonwealth jurisdiction. The Government has accepted the general thrust of the inquiry's recommendations to ensure the fair conduct of election ballots. The Bill provides for the Electoral Commission to conduct election and amalgamation ballots for industrial organisations of employers and employees. Industrial organisations wishing to conduct their own elections may do so with the approval of the organisations' members and the Industrial Registrar.

With respect to funding, industrial organisations will be required to meet printing, postage and distribution costs for election ballots with the balance paid by the State. The State will meet the full cost of amalgamation ballots. As recommended by Commissioner Cooke, the penalty for improper interference with ballots will be doubled.

Long Service Leave for Seasonal Workers

Specific provision is made in the Act to provide long service leave to seasonal workers in the sugar and meat industries. Under the existing legislation, employees are eligible for 13 weeks' long service leave after 15 years' service with a single employer. Seasonal workers employed for three months a year could only become eligible after 60 years working for the same employer, which makes it impossible for them to qualify for this benefit. This Bill provides for an employee to be able to accrue long service leave on a pro rata basis over 15 calendar years. This means that a meatworker working three months a year for 15 years for the same employer will be able to claim one-quarter of the entitlement available to a full-time employee after 15 years, that is, three and one-quarter weeks' leave. Employers also gain, because benefits such as long service leave encourage workers to stay with an employer and the industry.

Improvements in Rights Available to Individuals

The Bill also introduces a number of amendments which either create new benefits for employees or enhance existing ones. A new Division 5—Protection of Injured Employees has been included. The major provisions are—

a worker who receives an injury for which workers' compensation is payable has to be paid by the employer for the day the injury occurs. This provision was in the repealed Workers' Compensation Act and is now being reinstated;

if an employee on workers' compensation is dismissed because of unfitness for employment as the result of the injury, the employee may apply to the employer for reinstatement. If the employer does not comply, the employee may apply to the Industrial Commission. If the commission is satisfied that the employee is fit for employment, it may order the employer to reinstate the employee;

it is an offence for an employer to dismiss an employee on workers' compensation solely or principally because the employee is not fit for employment within the three months after the employee becomes unfit.

It is proposed to amend the provisions for reinstatement and re-employment. The principal changes are—

if the commission considers that reinstatement or re-employment is inappropriate, it can order the employer to pay compensation. Currently, it has to give the employer the option of taking the worker back or paying compensation. Given that the commission has decided that the first option is inappropriate, an immediate problem is created if that is the employer's choice;

compensation will be able to be calculated using a portion of years worked with the employer rather than whole years only.

Provision has also been made to give legal representation by right to persons who are the subject of proceedings in the Industrial Court for prosecution of an offence under an Act. These proceedings can lead to heavy fines or imprisonment, and it is necessary to have a right to legal representation. Although leave to have legal representation is given normally by the court, this basic right must be guaranteed.

Amendments to Improve Operation of the Act

Provision has been made to allow the Minister and the Commonwealth Minister to enter into arrangements so that a person appointed as a Commonwealth industrial inspector may be appointed as an inspector under the State Act. This is another element in the increasing closer cooperation between the two jurisdictions. This has the potential for bringing about efficiencies. For example, one inspector visiting a workplace will be able to inspect times and wages books relevant to both Federal and State awards. There are benefits to employers, as only one inspectorial visit is conducted. The savings to the public purse are obvious, particularly in country areas in which one service only might be represented.

Conclusion

This Government's reform program is about boosting productivity, not lowering wages. This can be achieved only through a flexible industrial relations system which is based upon the principles of consultation and cooperation rather than confrontation and division and assisted by the presence of an independent industrial tribunal. This Government is committed to increasing productivity and reforming the labour market so that wealth may be generated for the benefit of both employers and employees. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

TOBACCO PRODUCTS (LICENSING) AMENDMENT BILL

Second Reading

Debate resumed from 5 November (see p. 73).

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (3.20 p.m.): This Bill will become known as the taxation measure for diminishing returns. That is unfortunate for this Government, but more so for the future of Queensland. The Government apparently believes that this massive hike in the tobacco licensing fee will produce the hardest-working dollars anyone has ever imagined. At its current rate of 30 per cent, the tobacco licensing fee actually produced $150m in revenue in the last financial year. That was about $14m over the Budget Estimate. Under the old licensing fee, Treasury Estimates show that the Government could have realised $174m in the current financial year, but that was before the unseemly chopping off of the last Parliament and the Premier's spectacular breach of promise to the electorate the following day. That is when he announced the $150m Jobs Plan, which is to be funded in full through this increase in the tobacco licence fee.

These dollars are supposed to do an awful lot of work. The Treasurer has indicated five major areas in which those dollars will build, buy, pay, form and reform. Even then, he forgot to mention the Scientific Research Centre at Mount Gravatt. That was one of the grab bag of election promises which seems to have dropped off the

wish list in the cold light of day—and a very important one, might I add. The problem is that the Treasurer is already spending the money on the basis that this tobacco tax will live up to expectations in extra revenue for the Government. He has even started building a new bureaucracy to administer the program.

According to a recent Government advertisement in the *Courier-Mail*, the Government's attack on unemployment is already under way. Unfortunately, the unemployment problem is being tackled in typical Labor style. The first job to be filled is for a bureaucrat to administer the scheme. He or she will enjoy a base salary of approximately $85,000 a year, with a total salary package of up to approximately $100,000 a year. I wonder who out of the 159 000 people officially listed as unemployed will be lucky enough to have a crack at that job? If I was an unemployed Queenslander, I would not hold my breath. When that job comes up, I am sure that a public service refugee from the late but unlamented Government in Victoria will be right at the front of the queue.

The real problem is the amount of money that this Government is hoping to gain, but which will never materialise, from this huge increase in tobacco tax. As I said at the outset, it is a taxation measure based on diminishing return. Next year, the real problems will begin when this Government finds that this tax is not a good performer. True to form, it will follow the financial example of the disgraced Labor administrations in the rust-belt States. Instead of admitting that the Government has got it wrong, the Treasurer will be tempted to surreptitiously raid other areas to make up the taxation shortfall. That is bad news for Queensland, but it will happen. That is how the rot started in the three southern Labor States.

Mr De Lacy: I think this is wishful thinking.

Mrs SHELDON: I believe that the Treasurer has been indulging in a great deal of wishful thinking.

Mr Beattie: Alice in Wonderland.

Mrs SHELDON: Yes, the Treasurer is rather like Alice in Wonderland. I note that the Treasury has done some guesstimates on the negative effect of this revenue-raising measure, that is, the cessation of the bootleg trade to interstate markets. The Government has even had a shot at factoring in some buyer resistance to the huge price increase of a packet of cigarettes. However, I do not think that anything has prepared the Treasury for the revenue gaps which will show up in future Budgets as a result of the diminishing base of this taxation measure.

The Liberal policy announced in April this year called for an increase in the tobacco licence fee from 30 per cent to 50 per cent, with increased pressure being placed on smokers. The Liberals reasoned that that increase was fair, and that smokers would accept it as inevitable as attitudes towards this unfortunate habit hardened on a worldwide basis. Smokers would pay up, and with a bit of cutting back here and there, the taxation base would be left intact. Revenue derived from such an initiative was earmarked for an attack on unemployment and for funding the much-needed hospital and other health programs. One priority was to fund a health promotion foundation. That foundation should have a familiar ring to most of the Labor members in the Chamber. They would remember that that proposed foundation was promised by Labor before it came to Government. However, surprise, surprise, since Labor has been in Government, the health promotion foundation has been dropped off the list. It has become another broken Labor promise. Of course, the concept of the health promotion foundation is to educate people—particularly young people—about the perils of smoking and, by doing so, to prevent the medical problems that occur as a result of smoking and an unhealthy lifestyle, the treatment of which costs this State and country millions of dollars every year.

As well as funding a health promotion foundation, the Liberals had planned to put $5m towards upgrading rural health services, with an additional $2m dedicated to the health needs of women in rural areas. Under the scheme proposed by the Liberals,

tobacco licence fees would contribute more heavily towards alleviating youth unemployment and public health funding. Under the Liberals' proposal, today, Queensland would have the lowest tax on tobacco products of any State. Those people who still had a smoking habit, particularly pensioners and people on fixed incomes, would have been able to indulge in this habit without extreme financial hardship. However, Labor decided to do it bigger and better. The Treasurer, with a bit of help from his Federal friends, whacked on a tax which effectively increased the price of a packet of cigarettes by $1.25. He then predicated the revenue generated by that measure over an unreal range of projects to be commenced over the next few years. I do not believe that anyone could foretell accurately the degree of buyer resistance to an overnight rise of that magnitude. However, the indications are that the resistance is massive, and it is getting bigger.

For the Treasurer's benefit, I will give him the figures which indicate the result of his smash-and-grab approach to revenue-raising measures. Under the previous system, Queensland, with 19.5 per cent of Australia's population, had 25 per cent of the national cigarette market. Putting aside health considerations, that figure was good news for Queensland's tobacco-growers, good news for the trade both wholesale and retail and, of course, it was good news for Queensland Treasury. Yet research showed that Queenslanders smoked no more or less than their interstate counterparts. However, because Queensland had by far the lowest tobacco taxes in Australia, there was a massive bootleg trade in Queensland cigarettes to interstate markets. According to the industry, that bootleg trade amounted to 15 per cent of all cigarettes sold and tobacco tax paid in Queensland. One does not have to approve of bootlegging tobacco products to note that 15 per cent of $174m—which under the old scheme was the estimated State revenue to be generated by tobacco products this financial year—is $26.1m. That market and those tax dollars are gone forever.

I am looking at the tobacco trade purely as a revenue-raising exercise, not a moral question. Having wiped out the across-the-border trade in one fell swoop, what effect has this massive tax hike had on the domestic market? In the six months leading up to October this year, each day Queensland was buying and paying tax on 34 million cigarettes. Does the Treasurer have any idea what has happened to the tobacco consumption rate since this heavy-handed taxation regime was put in place in October? The answer to that question is that the daily consumption of tobacco in Queensland has dropped to the equivalent of 23 million cigarettes per day. Let us watch the Treasurer find $150m for the Premier's big plans with those sort of fluctuations in the market. There is no doubt that some smokers stocked up before the new tax was put in place. In yesterday's *Courier-Mail*, Paul Lynch referred to one smoker spending $1,700 on cigarettes before the big tax hike. I hope that is an extreme example. But it just shows what happens when Government taxes at State and Federal level add a total of $2.70 to a packet of cigarettes, which now retail at $4.55. The little battler can no longer afford cigarettes or, in order to be able to afford them, he will go without food. The Treasurer is quite happy to have that happen.

Mr Santoro: The people they are supposed to be representing.

Mrs SHELDON: That is right. Even when the market settles down, I would be prepared to bet that Queensland consumption stays at the lower end of the scale—closer to the current 23 million cigarettes per day than the previous figure of 34 million per day. That has enormous implications for the revenue to be derived from this taxation measure. That is what we are discussing here—not the moral or health applications. The calculators in Treasury will go into overdrive, but the Treasurer is still going to find a big, black hole in the funding for Labor's grandiose $150m plan. There is no reason why the Treasury Estimates should hold up when the industry itself is already experiencing job losses and business failures. I know of tobacconists in two of the busiest retail centres in Brisbane who, in the past two weeks, have simply put up their shutters and walked away—two more small businesses gone to the wall. But not that that would interest the Treasurer, I am sure.

If the Treasurer had dressed up this issue as a health measure he might have retained some credibility, because there is no doubt that there are many people who have given up smoking or have cut back drastically. I hope that one of the real benefits of this tax is that, because of the cost, young people will not take up the habit. As a health measure, this Bill is a blunt instrument, but an effective one for all that. Unfortunately, Mr De Lacy is the Treasurer and not the Health Minister. As a taxation measure, this is a disaster. As I said to the Treasurer during a pre-election debate at Jupiters casino, this tax is based on quicksand.

Mr Beattie: You got a thrashing that day, I am told.

Mrs SHELDON: No, I did not, but the honourable member's friend Keith did. Pensioners and workers who cannot afford another minimum of $12 each week in extra tax will have to give up the habit or go without food and clothing.

Mr Santoro interjected.

Mr Beattie interjected.

Madam DEPUTY SPEAKER (Ms Power): Order! The members for Clayfield and Brisbane Central will cease their crossfire.

Mrs SHELDON: This is the Treasurer's magic mushroom tax, which makes one wonder what he has been smoking to so confuse revenue fantasy with financial reality. I think that as the true revenue picture emerges, the Treasurer should ask his Labor mate, who has undoubtedly been earmarked for the $85,000 job to administer the Premier's job plan, to take appropriate action. The first step will be to volunteer for a pay cut, because unless the Treasurer goes raiding in other areas of the Budget to make up for the shortfall, there will be nothing like a $150m plan to administer.

The commencement date has already caused about as much damage as is possible to the structure of the industry. Because it had its origins in a Labor election promise, the timing of the increase in the licence fee was not handled with the usual safeguards reserved for massive increases on consumer goods. The increase in the licence fee was announced by the Premier the day after he closed down Parliament. The timing of this massive tax grab on tobacco products was vague, to put it mildly. According to the Premier, it would come into effect "after the election." It turned the administration of the fee increases into a nightmare for both the Queensland Treasury and the industry. The system was already complicated enough before the Premier's election campaign intruded into the equation.

The State licence fee on tobacco is levied on the consumer one month via the trade and paid to the State Treasury the next month. This ensures that the retailer still has a licence to sell tobacco products from the start of the following month. Out of the blue, the Premier announced that on 26 August the licence fee would be increased to 75 per cent. As far as smokers were concerned, the tax officially started to bite as of 1 October. But because nobody really knew how the political intention of the Premier would be turned into tax measures by Treasury, cigarettes were being sold all over Queensland at vastly different prices—and by "different prices" I mean a difference of $1.25 or so a packet. Because of the Government's appalling handling of the measures, the big people in the trade had plenty of time to make a massive killing at the expense of both the consumer and the Queensland Treasury. During the tax limbo created by the Premier's announcement, profit taking was the name of the game—if a person had a few million dollars to spare and a big warehouse. The profiteering was on such a large scale that in September—the month before cigarette prices jumped officially by at least $1.25 in the supermarkets—Queensland accounted for 48 per cent of all tobacco products sold in Australia.

Mrs Edmond: That is disgraceful.

Mrs SHELDON: The member has the Premier and the Treasurer to thank for that. That huge amount of tobacco did not go to the local pensioner who was stocking up his

pantry; that huge stockpiling of cigarettes was on an organised scale involving tens of millions of dollars, fleets of trucks and rows of warehouses.

Mr Santoro: And more ripping off of their little mates.

Mrs SHELDON: Yes, this Labor Government always rips off the little battlers. Because of the Premier's ineptitude, and because of his vague announcement of serious tax measures, the profit takers had a field day. Whilst Queensland Treasury may have enjoyed a record month for tobacco licence fees at the old 30 per cent rate, the taxpayers did not do anywhere near as well as the big bootleggers, the big hoarders and the big black marketeers. The battler and the corner store——

Mr Hollis: Where did they come from?

Mrs SHELDON: The honourable member may well ask, "Where did they come from?" He would not know where small businessmen or businesswomen came from. He is not interested in them. The battler and the corner store—the small businessmen and businesswomen—missed out yet again, and are to this day still paying full tote odds to suppliers who hoarded cigarettes after the Premier gave them such timely warning.

In closing, I say that this revenue measure will defeat itself and never realise the Government's financial expectations in the short or long term. It was announced with ineptitude and executed with difficulty, and it will be a matter of frustration to a greedy Government for a long time to come.

Mr FENLON (Greenslopes) (3.38 p.m.): I rise to support this historic Bill. On very few occasions would any Government have had a full mandate of the people of Queensland for such a specific Bill. Prior to the election, the proposed legislation was put fully before the people of Queensland, and the Government received a mandate for it. I noted that the member for Caloundra did not seem to be able to utter the words that she supported the Bill. It is unfortunate that she could not confront the mandate that the Government has been given by acknowledging her support for the Bill.

Of course, the mandate that the Government has received is different from the mandate that the Liberals are seeking from the people of Queensland for the GST. If the Liberals were honest to the people of Queensland, as the Goss Labor Government has been in seeking a mandate for this legislation, they would tell the people the truth about the mandate that they are seeking. I realise that it is uncomfortable for the Liberals to have to work with the Nationals and support Jeff Kennett, John Hewson and the GST. However, if they were honest, they would tell the people of Queensland that they want to reduce the Federal contribution to the Queensland Budget by $367.55m. If they had any courage or honesty, that is what they would do, because that is the effect of the GST. They have not had the courage to seek a mandate for the GST and Fightback—perhaps it should be called "Dieback". They have not told the people what effect those packages will have on the Queensland Budget.

Mrs Edmond: Would you?

Mr FENLON: I take the interjection from the member for Mount Coot-tha. I would not find myself in that position, because there is no way that any decent Labor people in Queensland would want to reduce the level of the Queensland Budget to that extent.

Mr T. B. Sullivan: They won't get that mandate, either.

Mr FENLON: I take that interjection. There is no way in the world that they will get that mandate. The Liberals seem to have neglected the reality of what the GST will do to Australia. They have failed to acknowledge what will occur in all States. The Queensland Government is increasing the tobacco licence fee simply to bring it into line with taxes imposed by its interstate counterparts. It is adopting a policy that is consistent with the policies of the Liberal States. However, the Queensland Liberals do not seem to be able to confront or deal with that reality.

The tobacco licence fee will increase from 30 per cent to 75 per cent and will lay the foundation for the $150m Jobs Plan, which is a strategy to create jobs in Queensland. At the recent election, the people of Queensland voted for that initiative,

and that is what they will get—more jobs. The Liberals failed to put forward a credible package. They certainly could not match the Government's proposals. The increase will apply to licences issued or renewed for the licence period December 1992. By prematurely increasing retail prices, some retailers have been immoral. I have received a number of complaints from my constituents about that practice. I understand that, under the current law, there are gross difficulties in trying to deal with the policing of the matter. I warn retailers who engaged in that practice that I have referred all cases to the Treasurer to pursue as far as it is legally possible.

At page 25 of the 1991-92 annual report of the Queensland Treasury, reference is made to the various taxes and fees that are collected within this domain of collection. I have referred the Treasurer to the description of the tobacco licensing fee at page 25 as "a tobacco tax". As the Treasurer has already briefed me, it is not a tax, it is a fee. I understand that a mistake was made by Treasury in the printing. It is understandable that the public would be confused. Clearly, it is a licensing fee rather than a tax. The precise figure for revenue collection is $158.633m, as opposed to an estimate of $145m in 1991-92.

It is interesting to note the projections and data on collection in the context of what is going on within the Queensland Treasury. If one looks at the licensing fee collection section of the Queensland Treasury annual report, one will see that that section is now operating on highly professional guidelines. It now sets out corporate goals which are broken down into programs and strategies. I am sure that we can be very confident that the Queensland Treasury is operating a very sound and professional foundation to pursue and collect those fees.

I want to draw to the attention of honourable members the comments of the member for Caloundra in relation to the Treasury Estimates and forecasts on future collection of licensing fees. I understand that the foundation of the honourable member's comments came from her press secretary. I would rather believe and take as credible the Estimates of the Queensland Treasury than those of Mrs Sheldon's press secretary because the Estimates of the Queensland Treasury are founded on very substantial research and upon a very considered observation of the behaviour of those fees when they are imposed interstate and overseas. I note from the Estimates and projections that, whilst Queensland's sales for 1991-92 were $152m, interstate sales from Queensland were $20m. Factored into the Estimates for 1992-93 is that, indeed, there is already some degree of hoarding and early additional purchases from interstate which gives an interstate sales estimate for 1992-93 of $16m. This is significant and it is well considered. It takes into consideration a reduction in consumption. The two factors—hoarding and a reduction in consumption—are built into that. The honourable member for Caloundra has not confronted those issues in any detail. Overseas experience on these Estimates indicates that that is exactly the behaviour that we can anticipate.

Further projections are: $378m for 1993-94; $397m for 1994-95; and $417m for 1995-96. That reveals an anticipation for those years of a very clear escalation in terms of price estimates and price changes. The additional revenue anticipated is $98m for 1992-93, and $204m for 1993-94. This money has already been well documented. The people of Queensland know how this money is going to be spent. It is going to be spent in an effort to create jobs in this State for all our constituents.

The Estimates are very well founded. I am confident that they will be followed through in the coming years. I congratulate the Treasurer on taking this initiative. I also congratulate the Premier on having the honesty and courage to take this issue to the people of Queensland. That honesty and degree of confronting the real problems in Queensland in terms of job creation and putting the matter honestly before the people of Queensland is well appreciated by the good citizens of this State. I support this Bill and urge members to give it their full support.

Mr GILMORE (Tablelands) (3.50 p.m.): Friday the 13th is an interesting day to debate this legislation because it is colloquially known as black Friday, and I suspect

that that is the effect that this legislation will have on the people in my electorate. My contribution to this debate will be somewhat different from that of others in that my electorate is the only one that is affected by this legislation. Therefore, I hope that honourable members will bear with me as I discuss a couple of the processes.

Firstly, I pay tribute to some of the people who, back in 1929 to 1931, began the tobacco industry in far-north Queensland. It began when a gentleman by the name of Jack Howell was given a job by the then Queensland Government to find out what kind of industry could be introduced in far-north Queensland. The Government sent him to look at the production of tobacco in Dimbulah because of the particular soil type there—the deep, arid sands which had no virtue in terms of agriculture but which appeared at the time to be eminently suitable to the cultivation of tobacco. Jack Howell's first experiments were reasonably successful. They were successful enough for the Government to conduct land ballots in the next couple of years.

In 1930-31, land was made available to a number of people who moved into the district. In those days, there were no bulldozers and they began to clear land by hand using crowbars, shovels, tree-pullers and fire. I wish to pay tribute to some of those families. Although I can only name a dozen or so today, they were legion. There was the Hastie family, the Hendersons, the Burkitts who were on the Mareeba side, the Shorts, the De Lacys, the Venesses, the Faichneys, the Hensons, the Roberts, the Gilmores and a legion of others. They were all fine families who were well respected and hard-working. They were people who went to the area with high hopes and who put great effort into an industry which they hoped would support them, their families and future generations. Those people lived in very difficult circumstances. In fact, one could say that many of them lived in penury, and there were occasions when they ate very little more than pumpkins and things of that nature that they could produce themselves. They lived in round-pole houses that had hessian walls covered with whitewash and antbed floors. The industry was developed in very difficult circumstances because the marketing arrangements were very poor. The growers were receiving threepence a pound for tobacco, and half the crop was not being sold. They had no access to proper irrigation, and they had to carry water and depend upon rain. It was a very difficult period, but they stuck to the industry. They did so because they were encouraged by the Government of the day to do that. In fact, for the next 40 years or more, Governments encouraged these people to develop the industry.

After the initial pioneering period and after World War II, the industry entered another phase when war-stricken refugees suffering from famine and poverty in countries such as Italy, Yugoslavia and Albania came to Australia. There were also migrants from northern Europe such as the Finns and the Germans. Those people came to this country as assisted migrants to escape a life of abject poverty. They arrived in Sydney on migrant ships with very little more than an empty suitcase. Many of them arrived with no money at all and were taken to migrant hostels. They found work such as fruit-picking, cane-cutting and tobacco-picking on a seasonal basis. They built up their capacity to pay by saving and by living on as little as possible until such time as they could enter into a share-farming arrangement. Some years after that, they would put a deposit on a farm and then work even harder. They would bring their families from Europe and pay off their farms in the hope and expectation that they would receive something for their hard work, something to keep them in their old age, and something to pass on to future generations. These hopes and expectations have been somewhat disappointed in recent times.

The industry was encouraged to develop by Government. A Labor Government instigated the Tinaroo irrigation scheme specifically for the culture of tobacco in the far-north Queensland region. In 1959, the Tinaroo Falls Dam came into operation and changed the whole landscape in tobacco-growing areas. Suddenly, farmers who had been dependent on catch-as-catch-can irrigation from streams that flowed intermittently at best were given access to water and irrigation schemes. Because those farmers were able through irrigation to change the season within which they could grow tobacco, the quality of the tobacco produced improved enormously. The crop was no longer subject

to the vagaries of storms, hail, wind, too much rain or too little rain. With the introduction of the CSIRO's very large and very competent research station to the area, better varieties of tobacco were available. During that period, the industry went from strength to strength. The establishment of a marketing board in 1948 also improved the industry. This came about under very difficult circumstances. Farmers were being used and abused and, for one reason or another, were not able to sell their crops. There was bribery and corruption on a grand scale, and the creation of the marketing board brought some stability to the industry. However, the really significant stability in the industry began in 1965 with the introduction of the stabilisation scheme which, for the first time, introduced production quotas, a decent and regulated price, and a mixture of regulations through tariff arrangements between the manufacturers and the Federal Government which ensured that all tobacco products manufactured in Australia would consist of the local product to the extent of 50 per cent. That proportion was later increased to 57 per cent by way of an agreement with the manufacturers.

The tobacco industry has been a fine industry and it has served the far-northern region of Queensland very well, which was why it was established there. However, over the past 10 years it has fallen into decline for a number of reasons. All of those reasons were instigated or created by decisions of Government. The tobacco industry is the most investigated industry that this nation has ever seen. The IAC, as it was then called and which is known colloquially in my electorate as the Industry "Assassination" Commission, examined the tobacco industry on two or three occasions seeking ways of changing the structure of the industry. The producers knew that it did not need to be changed and that it was operating very well indeed. However, because of the philosophical views held by Governments at that time—Labor Governments, I might add, in the Federal sphere—favouring deregulation, moves were made towards winding back the industry to international competitiveness by using the structure of the IAC and IAC inquiries over a period. The industry also went into decline because of advertising bans. There is some evidence that advertising bans have had some effect, together with smoking and health issues and other matters. There has been an ever-increasing volume of ever more strident voices raised against the tobacco industry and consumption of the product. Hand in hand with that has been this change in the regulation of the industry. Through those very difficult years of the eighties when inflation was running at very high levels, the industry was limited to a 4 per cent per annum increase in price in an attempt to get itself back to international competitiveness. We were competing with Zimbabwe and Malawi in particular and south American and central American countries, as well as the southern area of South East Asia.

As our prices reduced, our farmers' productivity increased and they managed to stay afloat. They purchased from the southern part of Queensland and from New South Wales quotas which were transferred interstate. They did that simply to increase the volume of tobacco that was being sold through the sale floors in Mareeba in an attempt to maintain their levels of productivity and profitability.

Mr Gibbs: This is a history lesson. Say something constructive. It is late in the afternoon.

Mr GILMORE: The Minister should take it easy; take it gently. The tobacco industry is now facing a period of deregulation, which is brought about by nothing more than ideology. There is no good reason for the deregulation of the industry, for taking away our stabilisation scheme, our production quotas and those sorts of things, except to say that the Labor Government in Canberra and the Labor Government in Queensland both subscribe to the view that the tobacco industry does not need any kind of support, that it must be internationally competitive.

The industry has been supported by its stabilisation scheme, by its mixing regulation and by the tariff that has been imposed, but only to the extent of about 1c per packet of cigarettes. When one walks down the street, from one end of George Street to the other, one can find cigarettes sold at prices that vary much more than 1c a packet. The fact that we are talking about 1c a packet means that the device that is now

being put in place as part of the regulatory mechanism for the industry is a nonsense. In the long term, the tobacco tax will achieve nothing more than the export of the farms, the families and the future of the people of Mareeba and Dimbulah to places such as Zimbabwe and Malawi, because the tobacco industry in Queensland cannot compete. It is not as though we are inefficient people. It is not as though we are incompetent people. We cannot compete internationally because we cannot compete with the Treasuries of Zimbabwe and Malawi, which continually unilaterally devalue the currency of their nations. Tobacco and mining products are their main, and probably their only, export industries. In the international marketplace, those countries will protect their industries at any cost.

Every time our industry has come anywhere near international competitiveness, we have been struck off the register, as it were, by unilateral actions of Governments somewhere else with which we cannot compete. By the end of the 1993 selling season—when tobacco from this growing season will be sold—the industry will face the end of its stabilisation scheme. Our growing quotas will disappear. Our grade price schedule will disappear. By the end of the 1995 season, the tariff arrangements and our mixing regulations will conclude, except that there will be a small ad valorem tariff, which is yet to be determined but which probably will have little or no effect because of the "developing" status of the nations with which we compete. Further to that, negotiations by the industry with the manufacturers in the industry through the auspices of the Trade Practices Commission to establish some kind of a price-fixing mechanism for the selling season 1993 onwards have been rebuffed because the Trade Practices Commission has refused them permission to negotiate. Where do we go from here? Let me say that a number of people have made some comments.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order!

Mr GILMORE: Thank you, Mr Deputy Speaker. This is important to me. The Premier of this State said that we should export tobacco. Simon Crean said that we should export tobacco. It is absolute trenchant nonsense to suggest that the Australian tobacco industry, growing 13 million kilograms of tobacco, will be able to compete with the very large producers of tobacco which are part of the world scene, particularly those from the Third World countries. We simply cannot, and for that there are a number of reasons which I do not have time to canvass.

Let me talk about alternative crops. If anything gives me a pain, it is people who sit in this Chamber or somewhere else—instant experts—and say to me, "Why don't you grow something else?" The people of Mareeba, the scientists who are despatched there by Commonwealth and State Governments, the farmers, the business people and others are not so stupid as to have missed a wonderful, alternative crop that will replace a $50m industry overnight. There is no alternative crop. We have been looking for that for 20 years. Twenty years ago, we had our first three-day symposium on that subject. To that end, we have achieved very little. Certainly, we established in that time a seed industry which flourished for a while and is now reduced to six specialist farmers. We have a mango industry—a magnificent growing industry—which this year will be so in glut that, once again, we will be selling that product at less than the cost of production.

The tobacco industry provides 62.5 per cent of the gross agricultural product of that region. If it is taken away, it will leave a dust bowl. That will be the inevitable end result of this taxation measure. It will not happen tomorrow. I would not make such a statement. However, the inevitable winding down of that industry which has been put in place today will bring about that result. We are debating a taxation measure that is aimed at creating employment. Let me tell honourable members about employment. I hope that some of the money that comes from the tax will be returned to that region. Commonwealth statistics show that, at the end of June, Mareeba had an unemployment rate of 24.2 per cent.There are more individuals—more real persons—unemployed in Mareeba than there are in Inala, and that is the truth, according to the ABS figures. I hope that, at the end of the day when this Bill becomes law, and when the Treasury, the

Treasurer and the Cabinet compute where these funds are going to go, they are cognisant of the fact that the people who are going to be most affected by this taxation measure will at least get something in return.

Some two years ago, I suggested a number of alternative crops that may be suitable. One was opium poppies. Had the Minister at that time not been so dull as to want to accuse me of being a trafficker or whatever else, maybe in the long term something could have come out of that. Let me tell honourable members why. Because we are 2 000 kilometres away from the nearest decent marketplace, namely, Brisbane, we have vast problems in dealing with perishable products such as heavy vegetables. We have to pay high freight costs and we have loss of products through perishability and other things.

Mr De Lacy: Have you discussed this opium industry with the Liberal Party?

Mr GILMORE: This is my speech. With tobacco, we have a non-perishable, light and highly valuable crop. Once it is dried, it can be transported anywhere in the world without refrigeration and without fear of loss. Far-north Queensland could have a pharmaceuticals industry, under the auspices of the United Nations, such as those that already exist in three places in the world—India, Turkey and Tasmania. Today, the Tasmanian industry is worth $80m. I understand that there are some agronomic problems associated with the growing of opium poppies in terms of the quality and quantity of alkaloids produced in the tropics as compared with those produced in the long daylight areas in Tasmania. I have studied that. I went to Tasmania and I had a look at the industry. There is no reason to believe that we in far-north Queensland cannot produce a viable codeine industry from the tobacco lands. I believe that the Government, being entirely reasonable about the matter, should conduct some research into this subject and find out whether it would be a viable industry. There just may be a future in it. The time in which to consider this proposal has been too limited. The industry is too complex. I would like to have spoken for two hours on this issue, because the matters that we are addressing here are absolutely fundamental to the future of the people of my electorate. It hurts me to think that my industry in Mareeba produces Australiawide $2,600m worth of taxation, and we are going to be screwed into the dirt. We will disappear as a growing industry, whether we like it or not, because that is the course of history.

Time expired.

Mrs EDMOND (Mount Coot-tha) (4.10 p.m.): I join with my colleagues to welcome this legislation. Although I do understand the feelings of the member for Tablelands, the writing has been on the wall for this industry for probably 20 years now. I welcome the increased funding and the effect it will have on job creation. I especially welcome the impact this will have on disadvantaged young unemployed. I appreciate the flow-on that will see schools, bikeways and national parks all benefiting from this increased funding in the immediate future. But to me, even more important are the long-term effects on the health of Queenslanders. It is highly appropriate that long-term funding from increased tobacco licence fees should go towards funding improved health facilities.

Cigarette smoking is a major drain on health funds and consequently on Government Treasuries. The Queensland hospitals have received significantly increased funding over the last two years. However, there is a need for a long-term commitment to reverse many years of underfunding. The major tertiary hospitals all have very old, substandard wards and ageing equipment held together largely by dedicated staff. This funding will allow a long-term commitment to address these needs with confidence. It is when we examine the increased cost of cigarettes at the consumer level that the real benefits of this tax are seen, and that is the area I wish to speak about.

Smoking is the largest preventable cause of death and disease in Australia. More people are killed by smoking than by all other “external” sources, for example, road accidents, alcohol, drugs and suicides all put together. This year, some 20 000 Australians will die of smoking-related diseases. I have seen that figure put as the

equivalent of a jumbo jet crashing every week of the year. How long would we allow that to happen without taking serious steps to prevent further deaths?

While some diehards continue to kid themselves that there is some debate about the effects of smoking, these long-term effects became obvious once antibiotics solved many of the earlier health problems of man. Sir Richard Dott, an epidemiologist at Oxford University, demonstrated the association between smoking and lung cancer in the 1950s. It is now known that lung cancer makes up only about one-third of smoking-related deaths.

Mr FitzGerald: Why don't you ban the product?

Mrs EDMOND: I take that interjection. One of the things we have to realise when discussing this is that there is no way that tobacco would be allowed into any country in the world which has drug laws if it was introduced today. The fact that it is here historically makes it very much harder to handle.

Let us look at the effects. Cigarettes cause damage at the very point at which they make contact with the body and they continue as they go through. They are linked to cancers of the lip, the mouth, the throat, the oesophagus, the stomach, the bowel, the liver and the lung. They play a major role in cardiovascular health problems such as ischaemic heart disease, peripheral vascular disease—that is the lovely one that was shown on *GP* the other night, where they start chopping off gangrenous toes and keep working up—pulmonary emboli, hypertension, cerebrovascular accidents or strokes. They also cause and exacerbate emphysema and asthma, and are implicated in both male and female infertility. I may have missed some health ill effects of smoking, but I hope honourable members present have got the message. Unfortunately, smoking does not only affect those who use cigarettes.

Mr FitzGerald: Let's put the money into health, well.

Mrs EDMOND: The money is going into health. An increasing body of scientific evidence—accepted recently in the Morling decision—has shown that the breathing of tobacco smoke polluted air by non-smokers—or passive smoking—may also lead to serious harm. It is suspected that about 10 per cent of smoking victims are affected by passive smoking, while others, like myself, are severely irritated by smoke-filled air. I will support any moves to make Parliament House a smoke-free zone. Certainly, cancer risks appear greatest for persons who have been exposed to smoke in childhood and then continue to be exposed to smoke in adulthood. Children of smoking adults are also twice as likely to become smokers and are therefore also more at risk of the effects of their own direct smoking.

In the 1940s, some 72 per cent of men and around 27 per cent of women smoked. It was so much a part of life that there was no need for expensive advertising campaigns telling us how men became more macho and women somehow more sophisticated and smart if they had a fag hanging out of the corner of their mouth and they reeked like an old ashtray. It is a tragic irony that the Marlboro Man is yet another victim of smoking-induced cancer. Over the last 30 years, there has been a steady decline in the incidence of adult males smoking as the effects of smoking became common knowledge. Just recently, we have seen a reduction in the number of new cases of lung cancer in men, reflecting this reduction in male smoking. Tobacco companies have also recognised this reduced smoking by men, and over recent years changed their advertising to target young people, and in particular young women, via popular sporting figures. At this point, I must congratulate Greg Matthews for his stance against smoking and the linking of good, clean healthy sports with smoking. Cigarettes are among the most addictive substances of abuse and by far the most deadly. Once smoking is established in a young person, it is very, very difficult to quit, so it is with great regret that I read research figures showing that approximately 15 000 Queensland children will take up smoking this year with approximately a quarter of those dying prematurely from smoking-related diseases.

The reduction in the number of men smoking is encouraging. However, this has been accompanied by an increase in women smoking, especially younger women. The overall number of women smoking is expected to surpass the number of men smoking for the first time by the mid-1990s. This increase has seen a parallel tragic increase in new lung cancers in women. Although breast cancer is still the most common form of cancer in women, lung cancer is predicted to replace this in the next few years. It is therefore of enormous importance to every member here and every parent that tobacco sales and advertising are still directed to young people. No-one can ignore these facts. More girls aged 14 to 19 now smoke than boys of that age. The highest prevalence of smoking is in 20 to 24-year-old women, of whom 37.7 per cent are smokers. Women, and especially young women, are one of the high-risk smoking groups that also include the poor, ethnic minorities, Aborigines, children and the people of the Third World. People in poorer countries are relatively new but enthusiastic smokers and the effects on these countries is not yet fully known. Women who smoke face all of the health risks faced by their male counterparts. However, there are added risks. Women who smoke and who use oestrogen therapy for contraception, or hormone replacement, especially face increased risks in the area of pulmonary emboli and strokes. There is also an increased risk of infertility, and maternal smoking allowing in utero exposure can lead to low birth weight babies with more respiratory problems and slow growth patterns. Their children are more likely to have asthma and other respiratory problems and, of course, more likely to smoke as adults.

If we are to seek the introduction of truth in advertising, I expect to see cigarette ads in the future to show not glamorous, healthy, young things, but women in particular with the premature wrinkling and yellowed skin and teeth that identifies a regular smoker. Of course, everyone dies of something, but smoking deaths are tragic because they are very premature, with the majority occurring in people between the ages of 35 and 69, an average of 23 years before their non-smoking peers. They are also avoidable.

The costs of this premature death and disability to the community are enormous and are in no way covered by the income from tobacco excise duty, as is sometimes claimed. As an indication, I give these figures for the estimated economic costs of smoking in Queensland for 1990, the last ones I have—

$209m in direct health costs of hospital, medical and ancillary costs;

$294m in adult indirect mortality costs, that is, in lost productivity of smokers who die;

$124m is lost due to loss of productivity of smokers who are unable to work; and

$13m in prenatal indirect mortality costs—indirect costs associated with death in the newborn.

As I indicated earlier, I welcome this increase in licensing fees because it will go some way towards reducing these very real costs to the community. But it has also been shown that this fee increase of 45 per cent will lead to a retail price rise of about 22 per cent. Experience elsewhere has shown that this should subsequently lead to a 10 per cent drop in tobacco consumption overall and, most importantly, an estimated 28 per cent reduction in teenage smoking because of the low disposable income in this group.

Madam Deputy Speaker, I know that you agree wholeheartedly with me that, in health terms, there are few, if any, measures which could be undertaken which would do as much to improve health as this proposed increase in tobacco tax. I know that it has widespread community support, including vigorous support from the medical professions. I was disappointed two years ago when a similar proposal aimed to preserve the health of young people was turned into a political football by the Liberal Party and, in particular, by the member for Indooroopilly. If, as the member for Caloundra has said, there will be diminishing returns, presumably because of a reduction in the number of smokers, we will have achieved much, and the people of Queensland will be the healthier for it. Accordingly, I support this Bill.

Debate, on motion of Mr FitzGerald, adjourned.

SPECIAL ADJOURNMENT

Hon. K. E. De LACY (Cairns—Treasurer) (4.23 p.m.): I move—

"That the House, at its rising, do adjourn until Tuesday, 24 November 1992."

Motion agreed to.

The House adjourned at 4.23 p.m.