

FRIDAY, 16 JULY 1993

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

PETITIONS

The Clerk announced the receipt of the following petitions—

Kindergarten Funding

From **Mr Casey** (25 signatories) praying that sufficient funds be provided in the 1993-94 Budget to enable State Education Department Subsidies (SEDS) to continue to provide adequate funding for community kindergartens and that extra funding be also provided for the Creche and Kindergarten Association.

A similar petition was received from **Ms Simpson** (59 signatories).

Bald Hills, Bus Service

From **Mr J. N. Goss** (17 signatories) praying for the introduction of a mini bus feeder system to service Bald Hills residential areas connecting the railway station, schools and shopping centre.

Ambulance Service

From **Mr J. N. Goss** (33 signatories) praying that the Parliament of Queensland will object to the proposed tax for the Ambulance Service.

Tewantin Bus Company

From **Mr Davidson** (776 signatories) praying that a permit be granted to the Tewantin Bus Company to enable it to transport pensioner clients to and from their places of residence on specified days.

Petitions received.

STATUTORY INSTRUMENTS

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

City of Brisbane Act—

City of Brisbane Regulation 1993, No. 258

Credit Act—

Credit Amendment Regulation (No. 2) 1993, No. 259

Dental Act—

Dental Amendment By-law (No. 1) 1993, No. 261

Government Owned Corporations Act—

Proclamation-remaining provisions of the Act not in force commence 19 July 1993, No. 256

Harbours Act—

Harbours (Gladstone Port Authority) Amendment By-law (No. 1) 1993, No. 257

Local Government Act—

Reference dated 8 July 1993 of a reviewable local government matter to the Local Government Commissioner. The reference relates to a proposal submitted by the City of Gold Coast.

Withdrawal of a reference of a reviewable local government matter to the Local Government Commissioner by the Minister for Housing, Local Government and Planning in respect of a proposal submitted by the Gatton Shire Council. Reference withdrawn on 6 July 1993.

Mineral Resources Act—

Mineral Resources Amendment Regulation (No. 8) 1993, No. 262

National Parks and Wildlife Act—

National Park 26 County of Tate (Extension) Order 1993, No. 263

Nursing Act—

Proclamation-provisions of the Act specified in the Schedule commence 19 July 1993, No. 260.

PAPERS

The following papers were laid on the table—

- (a) Deputy Premier, Minister for Administrative Services and Minister for Rural Communities (Mr Burns)—

Response to Recommendation Two of the Parliamentary Committee of Public Works Report of an Inquiry into the Development of the Sciencentre (at the Old Government Printing Office).

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

Report on the complete redistribution of Electoral Wards for Brisbane

- (c) Minister for Justice and Attorney-General and Minister for the Arts (Mr Wells)—
- (i) Response to Recommendations contained in the Parliamentary Committee of Public Works Report of an Inquiry into the Cairns Courthouse, Police Headquarters and Watchhouse Complex.
- (ii) Response to Recommendations contained in the Parliamentary Committee of Public Works Report of an Inquiry into the development of the Sciencentre (at the Old Government Printing Office)
- (d) Minister for Family Services and Aboriginal and Islander Affairs (Ms Warner)—
Island Industries Board—Report for year ended 31 January 1993
- (e) Minister for Health (Mr Hayward)—
Response to Recommendations contained in the Parliamentary Committee of Public Works Report of an Inquiry into the Kirwan Psychiatric Rehabilitation Centre
- (f) Minister for Environment and Heritage (Ms Robson)—
Response to Recommendations contained in the Parliamentary Committee of Public Works Report of an Inquiry into the development of the Sciencentre (at the Old Government Printing Office).

MINISTERIAL STATEMENT

Overseas Visit by Minister for Employment, Training and Industrial Relations

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (10.04 a.m.), by leave: At the invitation of the Commonwealth Minister for Industrial Relations, Mr Laurie Brereton, I recently travelled to Geneva as a member of the Australian delegation to the eightieth conference of the International Labour Organisation. At the same time I took the opportunity to examine developments in industrial relations in the United Kingdom.

The ILO delegation from Australia also included Mr Brereton; Federal Opposition industrial relations spokesman, John Howard; Democrat industrial relations spokesman, Senator Robert Bell; and the Tasmanian Minister for Employment, Industrial Relations and Training, John Beswick, as well as Bryan Noakes, Director-General of the Australian Chamber of Commerce and Industry, and ACTU assistant secretary, Jennie George. I was accompanied by the Acting Executive

Director of the Labour Market Reform Division of my department, Mr Peter Henneken.

The annual conference is the supreme Parliament of the ILO, a specialised agency of the United Nations. The work of the ILO is of current importance to Queensland, because the Commonwealth proposes to use the external affairs power of the Australian Constitution to legislate the implementation of four ILO conventions relating to minimum wages, equal pay, parental leave and unfair dismissal.

The purpose of my visit to the ILO was—
to examine the work of the ILO and its likely impact on Queensland; and

to examine how other Federal systems deal with international conventions which impact on the jurisdiction of State or provincial Governments.

In Geneva, I met with representatives of the German, US and Canadian Governments to discuss and compare the implementation of ILO conventions in their Federal systems. I also met with a range of senior ILO officials to discuss industrial relations and labour administration, implementation of standards and employment.

In London, I met with senior representatives of employer and employee groups as well as Government industry and employment officials. Our discussions covered employment strategies and programs, particularly for the long-term unemployed, and the industrial relations consequences of the substantial changes in industrial relations law and practice which have taken place in the UK over the past 14 years.

I table a more detailed report of my discussions and a full itinerary of the trip covering the period 5 to 14 June 1993.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr JOHNSON (Gregory) (10.06 a.m.): I seek leave to move a motion censuring the Transport Minister.

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

AYES, 32—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Mitchell, Perrett, Quinn, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers*: Springborg, Laming

NOES, 53—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Brechauer, Briskey, Budd, Burns, Campbell, Casey, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Power, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Warner, Welford, Wells, Woodgate *Tellers*: Pitt, Livingstone

Resolved in the **negative**.

DISTINGUISHED VISITORS

Mr SPEAKER: It is my very pleasant duty this morning to welcome the 30 members of Parliament from New South Wales, Victoria, South Australia and Western Australia who are here for a National Party conference for State parliamentarians.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Interim Budget Statement

Dr WATSON: In directing a question to the Treasurer, I refer to the Interim Budget Statement that he tabled in the House on Tuesday which listed the alleged real reductions in Commonwealth funding to Queensland at the Premiers Conference—the alleged cuts which are the basis of his Government's wide-ranging service cuts. I refer also to page 2 of his statement and to the alleged \$30m "loss of Queensland's share of 1992-93 special addition to FAGs pool". I also refer to page 11 of his own Budget Paper No. 4 for the 1992-93 Budget in which this sum is clearly identified as a one-off augmentation for that year alone. I ask: how can the Treasurer justify listing this money which he knew to be a one-off payment for 1992-93 as part of the alleged \$115m shortfall and the basis for extensive and long-term service cuts?

Mr De LACY: It never ceases to amaze me the way in which members of the Opposition—

Mr Borbidge interjected.

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

Mr De LACY: As I was saying, it never ceases to amaze me the way that members of the Opposition are pushing Canberra's line in this House. It does not surprise me that they would take up the cudgels on behalf of New South Wales and Victoria. As there are members from New South Wales and Victoria present in the gallery, Opposition members

would want to be seen to be supporting them. What they need to understand is that the outcome of the Premiers Conference was this: in terms of the discretionary funds, the general assistance funds, Queensland got an increase of 0.8 per cent, which is \$21m. If one puts that in the context of a 2.5 per cent population increase and a 2.8 per cent inflation increase, which makes 5.3 per cent, one finds that there is a real reduction of \$115m or more. Five per cent of \$3 billion in general assistance grants is \$115m. Queensland got \$21m.

We compile our forward Estimates on the basis of inflation and we go to the Premiers Conference expecting to get a certain amount, particularly in relation to the real terms that are guaranteed. We did not get it, so we lost that money. It is as simple as that. When money is lost, adjustments have to be made. We have had a month of lecturing by members of the Opposition who have been saying, "What you shouldn't be doing is increasing taxes. You need to make savings." So we make the savings, and what do members of the Opposition say about that? They criticise the savings! As I said yesterday, that is why Opposition members are not relevant—because they do not mean anything.

Interim Budget Statement

Dr WATSON: In directing my second question to the Treasurer, I refer to page 2 where he specifically used that justification for the \$30m one-off grant. I refer also to page 5 of the Interim Budget Statement, which was tabled in this House on Tuesday, in which he identified the long-term impact of the service cuts imposed by the Government on the basis of the alleged \$115m shortfall in funding—\$30m of which was not in funding from the Commonwealth. I ask: is it not a fact that when the Treasurer presented the details of this alleged shortfall to the Cabinet, to the caucus, to this Parliament, to the trade unions and to the people of Queensland, he deliberately misrepresented the results of the Premiers Conference in order to cover up his own budgetary mismanagement?

Mr De LACY: Is that the best that the member for Moggill can do? Is that the same question as the one before, but asked in a different way? It was almost the same question asked in the same way, and perhaps I should give him the same answer in the same way.

Mr Veivers: Irrelevant!

Mr De LACY: I think it was irrelevant. I think the honourable member is right, and I take his interjection. It is probably about time members of the Opposition looked after Queensland and started to stand up for Queensland instead of becoming apologists for the Federal Government, New South Wales and Victoria. We got a bad deal at the Premiers Conference in a whole range of ways. I spelled them out; I was not hiding anything.

Dr Watson: It is wrong. You deliberately misled the caucus, and you know it. You're a fraud.

Mr De LACY: The member for Moggill can compute the figures any way he likes, but the way I just computed them is the simplest way of all. The fact is that, depending on the figures that are used, Queensland has lost between \$115m and \$140m. We have accepted that we have lost that amount. Therefore, we have to make the necessary adjustments, and we are making the necessary adjustments.

Let me ask a rhetorical question. What is the alternative to making these necessary adjustments? Can we adopt the New South Wales or Victorian solution of just putting it on the tab and making tomorrow's generations pay for it? That does not happen in Queensland, mate—not in Queensland! What we do in this State is make the necessary adjustments. There has been a gross overreaction this week. Let me say that all the decisions we made were sensible decisions. They were tough decisions, but they were sensible ones, and they were decisions that needed to be made to ensure that our Budget remains structurally sound, not just throughout this year but next year and the year after.

Mr Slack: Is Dr Watson right in the figures that he has just given you?

Mr De LACY: For the last three or four years, Dr Watson has been standing up in this House—

Mr Borbidge: Is he right with his figures?

Mr De LACY: He is always enunciating figures. As a consequence of his perceptive—

Mr Borbidge: Answer the question—yes or no!

Mr De LACY: I am coming to it. As a consequence of his perceptive use of figures over the years, the Opposition has relegated him to the back bench.

Financial Management Strategies

Mr PITT: In directing a question to the Treasurer, I refer to Opposition criticisms of the Government's savings package, which includes the closure of some low-volume, uneconomic rail lines. I ask: how does this compare with the financial management strategies of the previous administration?

Mr De LACY: Earlier, I made reference to the reaction from members of the Opposition, particularly the member for Gregory, with all of their sanctimonious posturing.

Mr Johnson: Where's the Minister?

Mr De LACY: Where was the honourable member when the National Party was in power, when it was raping and pillaging the country regions of Queensland?

A Government member: And burning.

Mr De LACY: The former Government was raping, pillaging and burning country Queensland. When the National Party was in Government, what did it do with railway lines in Queensland? I will tell honourable members. It closed 58 railway lines. The National Party Government closed 41 railway stations, and I will table the list of those 41 railway stations. The former Government sacked 8 367 railway staff. I repeat that the former Government sacked 8 367 railway staff. Did it have a voluntary early retirement plan in place? No! While the National Party was in Government, 58 railway lines, most of them in country Queensland, were closed. I table that list. Let us hear some more sanctimonious posturing.

Mr Johnson interjected.

Mr SPEAKER: Order! The member for Gregory is now warned under Standing Order 123A.

Mr De LACY: I refer also to schools. During the 32 years of National Party Government, 781 schools were closed. I have a list of them. Of those 781 schools, 125 were closed in the first three years that the National Party was in Government. I table that list.

Honourable members interjected.

Mr SPEAKER: Order! The member for Toowoomba South! Honourable members, I am sure that we may have some incentive today to make more noise, but I am getting a headache.

Mr Lingard interjected.

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

Mr De LACY: Members of the Liberal and National Parties have all been offended by the fact that the Government has made some

necessary, albeit tough, decisions to close low-volume, uneconomic railway lines.

Mr JOHNSON: I rise to a point of order. Those lines that the Government is considering closing down are not low-volume.

Mr SPEAKER: Order! I warn the member for Gregory under Standing Order 124. When I am on my feet, the honourable member will resume his seat. There is no point of order and I will not take further frivolous points of order.

Mr De LACY: The honourable member should talk to his coalition colleagues, because the Liberal Party policy document that was published last July, titled Queensland First—Securing Our Future—could you believe, the Liberal Party—stated as one of its policies—

“. . . speeding up the process of full corporatisation of Queensland Rail to ensure that it commercially and competitively manages freight and passenger transport, traffic timetabling and services, asset repair and maintenance, and administration.”

Does that mean that the Opposition would keep railway lines open that return 10 per cent of the operating cost by way of revenue?

Mrs SHELDON: As the question seems to be directed to me, possibly I could answer it; the Treasurer certainly is not.

Mr SPEAKER: Order! The honourable member will resume her seat. I point out to the Deputy Leader of the Coalition that I have just told members that I will not countenance frivolous points of order. I can assure the honourable member that that was a frivolous point of order.

Mr De LACY: Turning now to the National Party policy—members of the Opposition made a lot of noise about proposals to contract out cleaning services. The National Party policy document is titled Let's Get Queensland Working Again. Imagine those characters getting Queensland working again! Item No. 5, “Government Expenditure”, states—

“Government instrumentalities and departments should contract out work to the private sector wherever possible.”

When some suggestion of that was made from the Government side of the House, members opposite said, “Isn't that dreadful?” Members opposite are a mob of hypocrites, and that sanctimonious posturing will not go down with the people of Queensland.

School Closures

Mr PITT: I direct a question to the Minister for Education. I refer to the Government's announcement on Monday that rejected large-scale school closures as a cost-saving strategy following the Federal Government's failure to provide Queensland with its share of the funding at the Premiers Conference, and I ask: can the Minister confirm that this is the case, and can he advise the House what his department's usual policy is on school closures?

Mr COMBEN: I have pleasure in confirming what the present departmental policy is on school closures, and that is a continuation of the policy that was in place during the life of the former Government. On Monday, this Government rejected widespread, mass closing of schools, as has occurred in every southern State, particularly Victoria. The Government of Victoria closed 50 schools, and six months later it said that it would close another 100. The Victorian Government also sacked 4 000 teachers. If members of the Opposition had been in Government in Queensland, they would have done it, too.

The record of the Opposition in this place is that, over the 32 years that it was in power, it closed 781 schools. I draw to the attention of the House a document prepared by the historical unit of my department about schools closed between 1957 and 1992. From 1989 to 1992, seven schools were closed by this Government when Mr Braddy was Minister for Education. In the years prior to that, the closure figures are: 1989—5; 1988—18; 1987—12; and 1986—16. It even goes back to 1963, when 88 schools were closed, and 1967, when 66 schools were closed.

The Government will not embark on that sort of program. The Government will continue a policy, with respect to schools in this State with few pupils, of discussing with the local community what can be done to improve education delivery. Where one-teacher schools teach seven or eight students a kilometre down the road from a major primary school, the Government will discuss the matter. That is the policy that has been in place for a long time. However, the Government will not close 88 or 66 schools in one year. For the benefit of honourable members, I table the report.

Budget Cuts

Mr BORBIDGE: I now table a document from the Department of Prime Minister and

Cabinet faxed to the Opposition last night which further proves that the alleged Government Budget cuts are based on an act of political—

Mr SPEAKER: Order! Is the honourable member asking a question?

Mr BORBIDGE: Yes, I am. The question is directed to the Treasurer.

Mr SPEAKER: It is a good idea to indicate to whom the question is directed.

Mr BORBIDGE: It is a pretty good document.

Mr SPEAKER: Order! We will have question time and members will rise and say that they are directing a question to a particular Minister. I insist on that. I am not going to countenance any comments on that.

Mr BORBIDGE: I direct a question to the Treasurer. For the benefit of the Treasurer, I now table a document from the Department of Prime Minister and Cabinet faxed to the Opposition last night which further proves that the alleged Government Budget cuts are based on an act of political fraud and that at least \$30m was only ever a one-off grant, as detailed in this Government's own Budget papers. I ask the Treasurer: why did he deliberately mislead caucus, the union movement, the Parliament, and the people of Queensland? Here is the proof.

Mr De LACY: I make two points in response to that. The first is the obvious one. I guess I can understand why the Department of Prime Minister and Cabinet would be faxing this information, but I cannot understand the collusion between the Department of Prime Minister and Cabinet and the members of the Opposition—who are acting as apologists for the Federal Government against Queensland, I might say. Does the Opposition remember the grand old days when Joh used to represent Queensland? Can they believe that he fought for Queensland, stood up for Queensland? What a sorry day it is when the National Party has become Canberra's spokesman in the Parliament of Queensland. The splendid irony of this situation, I am sure, escapes nobody. It escapes nobody on this side of the House.

In respect of the allegation that I misled Parliament or my colleagues—

Opposition members interjected.

Mr De LACY: Does the Opposition want to hear the answer or not?

Mr SPEAKER: Order!

Mr De LACY: What that \$30m was and why we did not get it is spelt out clearly and in

detail. It is spelt out in the paper that was released, the paper that went to Cabinet, the paper that was tabled in this Parliament on Tuesday. It was spelt out everywhere, as were the reasons for it. Yet it took the Opposition five days to read the document. All they are doing is standing up in this Chamber and saying what is in the document. Then they ask why we misled the people. All members of the Opposition did is read out what is in the document. What an absolute nonsense! If it takes members opposite five days to come to that conclusion, it does not say much for them.

Closure of Western Rail Links

Mr BORBIDGE: My next question is directed to the Minister for Transport. I refer to his deceitful action in misleading the people of Winton in respect of rail closures despite a written assurance to the contrary. I also refer him to a further written assurance on 31 May 1993, which I now table, in respect of the Yeppoon railway line. I ask: will the Minister now accept the enormous social and economic impact of these closures, and will he honour all previous written undertakings in respect of rail services?

Mr HAMILL: The premise under which the Leader of the Opposition asks his question is, of course, totally false. Indeed, a statement was made by me, which was referred to by the Leader of the Opposition in the House. In that statement I said that, as a result of the decision to introduce the new tourist travel train the Spirit of the Outback, the lines to Winton and Hughenden would not be affected. I drew that to the attention of the Leader of the Opposition in the House yesterday, and I do so again today.

Two significant events have occurred since discussions took place earlier this year either in relation to the Spirit of the Outback in Winton or in relation to the pineapple growers of Yeppoon. These events were the Premiers Conference, which cut funds to Queensland, and a Budget decision—a responsible Budget decision—by this Government which has had to be implemented.

I draw the attention of members to statements and commitments given by the member for Surfers Paradise when he was a Minister in the National Party Government. He said that the Gold Coast rail link was going to be back in place by 1988. That is on the records of this House. Is it the case that the then Minister of the Government was not able to deliver on that commitment made to the people of Queensland, in particular the people

of the Gold Coast? Is it correct to say that that person acted deceitfully in this place?

Honourable members interjected.

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

Mr HAMILL: As for all those members opposite who are weeping crocodile tears in relation to this Government's tough but necessary budgetary measures—perhaps another question could well be asked of them. Should we have continued to operate these low-volume, hardly used rail links? Or should we have withdrawn the subsidies on the air services to those western towns, which this Government has increased? I refer in particular to the community of Winton. In all the years that the National Party held Government in this State, it never supported much-needed air services between Winton and Townsville. This Government is subsidising those services. Perhaps the Government should have reversed its decision to discontinue a rail service into Winton used by seven people each week and, instead, should not have supported subsidised air services between that city and Townsville. Members opposite cannot have it both ways. They cannot criticise this Government for withdrawing services that are not used widely, yet remain terribly silent when this Government actually extends services that people do use.

Government Spending

Mr LIVINGSTONE: In directing a question to the Premier, I refer to the spending measures announced this week, and I ask: can he inform the House whether the Government plans further measures in areas such as education and health?

Mr W. K. GOSS: It is important that the decisions announced this week are placed in context. They are minor cuts and they are sensible administration changes and, in the overall context of a \$9 billion Budget, they represent an up-front disclosure to the public of the difficult decisions that have had to be taken. However, a very good Budget is still in the pipeline. Still to come is a very good Labor Budget that will maintain record levels of spending in education, health and police—the areas that are of most concern not only to the general community but also to Labor people.

That Budget will continue the reforms that have been carried out, for example, in education. Teachers have received pay increases of up to 30 per cent; computer, literacy and numeracy programs have been

introduced across-the-board; Asian languages programs have been established; and the Remote Area Incentive Scheme and the IST scheme for teachers have also been set up. Such initiatives were never taken by the Nationals and Liberals. That record level of spending, which has increased funding for education by \$350m per annum in real terms to about \$2.2 billion, will be maintained. This will be a good Labor Budget. The good side of the Budget, which is most of it, is still to come. The benefits will be seen in education, police and other areas.

As to the suggestion that some traditional supporters of Labor may be turning away—those people need to consider the alternative and they need to consider the record of the alternative. Those people should take into account the selective honesty and the selective conscience of some people. As my colleagues the Treasurer and the Minister for Education have detailed this morning, what is the record of members opposite? Under the former Government, 780 schools closed and 820 Works Department jobs were lost in rural areas. Recently, much attention has been focused on Quilpie. What happened to Quilpie during the National Party reign? During that period, the population of Quilpie halved—from 2 500 people to 1 314 people.

Mr JOHNSON: I rise to a point of order. I inform the Premier that I have lived in Quilpie all my life and that the population of Quilpie is the same today as it was in 1952.

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

Mr JOHNSON: I ask the Premier to withdraw that false statement.

Mr W. K. GOSS: Not only has the population of Quilpie halved, but Mr Johnson also led the desertion of that place!

Mr JOHNSON: I rise to a point of order. I find the comments of the Premier offensive. They are untrue, and I ask that they be withdrawn.

Mr W. K. GOSS: I will withdraw and simply say that the honourable member now lives in Longreach. The former Government reduced railway staff in Townsville—

Mr TURNER: I rise to a point of order. At least the honourable member for Gregory lives in his electorate; the Premier does not.

Mr SPEAKER: Order! Honourable members, I have stated previously that I will not entertain any further frivolous points of order. The next member who takes a frivolous point of order will be asked to leave the Chamber.

Mr W. K. GOSS: I will leave it there in terms of the savage cutbacks imposed by the National and Liberal Party across-the-board in country areas.

As to the increased efficiency of the railway system—I draw the attention of the member for Gregory to current National Party policy on corporatisation and the statement on that subject by the Leader of the Opposition which appeared in the *Courier-Mail* of 11 May this year, in which he stated—

“We support moves to make Government enterprises more efficient to save taxpayers’ money and to improve the rate of return to Government.”

That cannot be done without the sorts of decisions that this Government has taken. That is the policy of members opposite. There is a very good Budget to come. The Government has been up-front about the pain. I find it very ironic that National Party members from around the country are meeting in Brisbane today—in the Parliament which has the only State branch of the National Party in the country that is not in Government and that has no prospect of being in Government.

Moir, the *Sydney Morning Herald* cartoonist, painted an accurate portrayal of the curiously confused plan to merge and form a third party. The cartoon to which I refer portrayed a Liberal or National Party person walking in front of the three party room doors from which he or she could now choose. The first one has “Libs”, the second one has “Nats”, and the third one has “Nuts”.

Ambulance Services

Mr LIVINGSTONE: In directing a question to the Minister for Police and Emergency Services, I refer to recent comments about the ambulance service in Yeppoon, and I ask: would the Minister explain the circumstances surrounding—

Mr W. K. Goss interjected.

Mr Borbidge interjected.

Mr SPEAKER: Order! The Leader of the Opposition and the Premier! Honourable members, I cannot hear the question.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Mr LIVINGSTONE: In directing a question to the Minister for Police and Emergency Services, I refer to recent comments about the ambulance service in Yeppoon, and I ask: would the Minister explain the circumstances

surrounding the transportation of Mrs Everingham, an 82-year-old woman suffering from a broken hip, from St Andrew’s Hospital in Yeppoon to Rockhampton?

Mr BRADY: This question is necessary in order to answer the misinformation that is being put about by the honourable member for Keppel, who, as usual, is not in the House. When he made his speech here the other day, and elsewhere, he failed to refer to the most important fact. The original call for the ambulance for Mrs Everingham was received at 5.30 in the morning. She needed the use of ambulance transport immediately, because it was an emergency. The response time was 10 minutes. Within 10 minutes of the call being received, the ambulance arrived and transported her to the Yeppoon hospital. Later that day, whilst she was in St Andrew’s Hospital in Yeppoon, the decision was made that she be taken to the Mater Hospital in Rockhampton for an operation.

When the call was received by the ambulance—and this is the most pertinent fact—it was not a Code 1 call. No time was given to the ambulance officers, who were told that they could transport her to Rockhampton for further medical treatment at their convenience. However, within half an hour, at 10.41 a.m., they were proceeding to take her from the Yeppoon hospital to the Mater Hospital in Rockhampton when an emergency call was received. They contacted the Yeppoon hospital and said that they were attending immediately to a seriously injured patient. I repeat that they were not told by the hospital at Yeppoon that there was any urgency in relation to transporting Mrs Everingham to Rockhampton. Indeed, there was no urgency and they, in fact, transported her by 2.33 p.m. that day. If there had been an emergency and an urgent need, she could have been transported immediately. Another ambulance was on duty in Yeppoon at the time, and there was a third ambulance available to be called out if needed. The reason that she was not transported immediately was that it was not a Code 1 emergency.

As usual, the honourable member for Keppel, in his frenzied attempts to publicise himself, has defamed the ambulance service in Yeppoon, and he has defamed the hospital in Yeppoon, which is bitterly angry at the suggestion that was made by him and others that Mrs Everingham was not under proper medical care while she was in St Andrew’s Hospital in Yeppoon. However, I assure the honourable member—if he ever reappears in this House—that if he continues to shoot

himself in the foot, as he usually does, the ambulance will still pick him up.

Reduction in Teaching Positions

Mrs SHELDON: In directing my first question to the Minister for Education, I point out that in a radio interview with Anna Reynolds on Tuesday, the Director-General of the Education Department, when asked to confirm that the Government would shed some 500 to 600 teaching positions over the next year or so, responded by saying, "That is a figure we have not established yet, but it is in the ballpark." I ask: how does this frank admission by the Minister's own director-general compare with his claim that the Government will not be reducing teacher numbers?

Mr COMBEN: I do not understand how the honourable member could get that proposition from that statement.

Mrs Sheldon: I asked the question. Do you want me to read it again?

Mr COMBEN: I said on radio this morning that the ballpark figure for expected non-appointment next year is about 450 to 500. So the director-general and I are talking about the same sorts of figures, openly and publicly.

School Closures and/or Mergers

Mrs SHELDON: Obviously, the Minister and his director-general do not know. I direct my second question to the Minister for Education. This week, he announced the closure of schools at Manly West, West End, Humpybong, Rockhampton and Mackay, along with the Currimundi Special School. I draw the Minister's attention to his statement to this House on 12 November 1992, which appears in *Hansard*, and which I will table. These are the Minister's own words—

"I wish to confirm to the House that under my Ministry there will be no forced school closures or mergers."

I ask: will he now admit that, in common with his colleague the Minister for Transport, he lied to the people of Queensland and misled this House over school closures and/or mergers?

Mr COMBEN: It is unfortunate that in this House I cannot ask the Deputy Leader of the Coalition the question, "Where did you get the view that we were closing infant schools?" That list of six schools that she has just read out is not—

Mrs Sheldon: In the paper.

Mr COMBEN: Did she read the headline that said "Infant schools to close"? If she had then read the article, she would know that it talked about merging. It talked about having a State school and an infant school.

Mrs Sheldon: The question was "closure or merger".

Mr COMBEN: It did not say that we are closing infant schools. We are not closing infant schools. Once a teacher moves away from the chalk face and becomes an administrator, or a bureaucrat—whether that be a deputy principal or a principal—that teacher becomes part of a bureaucracy. Unlike the honourable member's colleagues in every other State, we have chosen not to sack teachers. However, we have chosen to consider the administration in the central office, in the regional offices and in the schools. In some cases, infant schools and primary schools are situated on the same site—a school over here with a fence around it and a sign that says "Infants" and right next door there is a State primary school. We are choosing to try to merge those areas. We believe that we could save about half a million dollars simply by having one administration over the whole site in about nine locations. However, we will look at each one of those sites to see whether those savings are there.

Yesterday afternoon, my colleague the member for Redcliffe went to a meeting at which school communities said, "We are not sure the savings are there." We will look at those savings, but we will not close infant schools. Children will be going to the same classes in three, five or ten years' time. Those schools will not close; they will amalgamate. Infant schools are a legacy of about 80 years ago, when the system used to be that of infant schools, with Grades 1 to 3—the same as the English system—then a primary school and then a high school. By chance, six or eight of those infant schools, which are situated on the same piece of land as primary schools, are left, and we are saying that it is about time they caught up with the late twentieth century.

Attorney-General's Department Salaries

Mrs WOODGATE: I ask the Attorney-General and Minister for Justice: can he tell the House whether there is any substance in claims that there has been a 142 per cent increase in his department's salaries since 1989-90?

Mr WELLS: When I heard the news that the honourable member for Caloundra was

bruiting around the country the proposition that the salaries budget of my department had increased from \$35m to \$86m over a period of two years, I was absolutely devastated. I always take seriously the things that the honourable member for Caloundra says, and this really ruined what would otherwise have been a very pleasant and achievement-packed day. I worried a lot about this, and asked my departmental officers to see what they could do about it.

As I move around my department, I see a lot of happy and high-morale-filled people—dare I say even prosperous people—but I did not realise that they were so prosperous. So I asked my departmental officers to see if they could find something that looked like a 142 per cent increase anywhere. They went through the books and could not find them anywhere. The figures purportedly came from Budget Paper No. 2. Nothing that even looked like an increase of 142 per cent could be found until somebody hit on the formula for finding the 142 per cent. What one does is take the salaries bill for the Attorney-General's Department before it was amalgamated with the Justice Department, and then compare the amalgamated Justice and Attorney-General's Department figures with the Attorney-General's figures. And what does one get?

Mr W. K. Goss: Surely no-one could be that silly.

Mr WELLS: I think that it is unlikely that anybody could be that silly—and intuitively, we did not believe it. I notice that our National Party colleagues from interstate have now departed from the gallery. Obviously, they could not stand to see their colleagues opposite having so much damage done to them. But I am sure that they are still with us in spirit. No doubt they would agree with me if I were to say that it is a good thing that the Liberal Party is the junior partner of the coalition. Not only is it in the situation of having a leader who engages in this creative type of comparison, but I notice that the list includes the Attorney-General's Department with the Budget figures applicable to Justice and Attorney-General this year and the Attorney-General's figures previously. It also includes a separate figure for Justice, so that the Justice figures get counted twice—once separately in respect of a department that no longer exists, and once together with the Attorney-General's Department.

Mr Foley: Double jeopardy.

Mr WELLS: As the Honourable the

Minister for Industrial Relations says—double dipping.

Mr Foley: Double jeopardy.

Mr WELLS: I am sorry. I misheard him. He said, "Double jeopardy." The Opposition is indeed in jeopardy. If the Liberal Party were to become the senior partner of the coalition, the job of allocating portfolios would fall to the honourable member for Caloundra. If she were to allocate portfolios the way that she allocates sums of money which she attributes to portfolios, not only would the Liberal Party's accounting be creative, but there would be many other creative things going on that would lead to no great benefit to the people of Queensland.

Oil Spills on Great Barrier Reef

Mrs WOODGATE: I thank the Attorney for that detailed and enlightened answer. I direct my second question to the Minister for Transport.

Opposition members interjected.

Mr SPEAKER: Order! I would like to hear the question.

Mrs WOODGATE: I would like to ask it, and I would like to be heard, also. Thank you, Mr Speaker. Much has been said about the catastrophic effects of an oil spill on the Great Barrier Reef. It was especially pleasing to see the Goss Government increase the maximum fine for the spill last year from \$50,000 to \$1m. However, I ask the Minister: what other steps is the Goss Government taking to protect the reef from that major threat?

Mr HAMILL: The member for Kurwongbah has long had a keen interest in the environment movement and matters pertaining to the welfare of Queensland's environment. In relation to the Great Barrier Reef—I am sure that members on both sides of the House would realise that the Great Barrier Reef is one of the great natural wonders of the world and makes a very considerable contribution to the welfare of the Queensland economy, particularly in relation to the tourism industry. That is why the Queensland Government has been very strong in its support for measures to further provide protection to our coastal areas, and particularly our reef areas. That is why we amended the legislation to provide for more appropriate fines for those who would wantonly and wilfully cause damage to our reefs and waterways. It is also why, at a recent meeting of State Transport Ministers, I supported strongly the new national plan and the fact that, under that plan for dealing with

pollution at sea—particularly oil pollution—a further \$6m of equipment will be committed by the Commonwealth to enable us to have a greater effectiveness in our response to the threat of oil spills. We will have a capacity to deal with oil spills up to 10 000 tonnes.

Although I believe that dealing with spills is only part of the issue, it is very important that we seek to address the cause of this threat. That is why, at that meeting, I indicated that I will be putting forward a paper on the proposal for exclusion zones on the reef. I believe that there are areas in the Torres Strait and on the Barrier Reef which shipping really has no business to enter unless it is in the most dire of circumstances. Consequently, that will require the Australian Government to take strong measures in international forums to address these measures with shipping companies around the world. The Great Barrier Reef is irreplaceable. Quite frankly, the Great Barrier Reef is in constant danger because of shipping, and we are shirking our responsibilities if we do not do everything in our power to minimise that risk for present and future generations.

Ambulance Service Staff

Mr COOPER: I ask the Minister for Police and Emergency Services: given that the 1991-92 budget for the Queensland Ambulance Service was approved by the then director, the then Minister and the Treasury by 30 August 1991—and the Minister's briefings would have confirmed that—is it a fact that the budget document contained provision for the 40 DOCO positions—that is, district operations coordination officers—that he has subsequently abolished?

Mr BRADY: As to the provision for the DOCOs—the budget was not approved until after the September election and no specific approval was obtained from the director or the Minister. When I questioned him as to what had occurred, the director informed me that the matter had proceeded to a stage at which it was too late, in his opinion, to stop it. The provision for the DOCOs had occurred in such a way that the Minister was informed after the event; it was not something that was specifically spelt out. That is the problem relating to the Ambulance Service which lies behind the question.

In the first six months of that financial year, the Ambulance Service Commissioner made decisions in relation to budgets which inevitably led to overruns in relation to DOCOs and in relation to paying 90 control officers full

salaries before people had been selected. For eight months, he paid 90 people who were potentially going to be in those positions, and 32 of them never achieved that position. He made a practice of making decisions that were not approved in advance by either the director or the Minister. As a result, in the second half of the financial year, after I intervened, action had to be taken. We were able to reduce the salary component of the Ambulance Service budget by \$4m, and ended up with a surplus of over \$2m. If the commissioner had not behaved in that fashion in regard to the DOCOs, the control officers and the rostering, the Government would have had an extra \$6m to spend on capital works in accordance with the Budget that was passed in this place.

Former Queensland Ambulance Service Commissioner Gillard

Mr COOPER: I ask the Minister for Police and Emergency Services: given that one of the reasons he sacked former Queensland Ambulance Service Commissioner, Noel Gillard, was his supposedly unauthorised creation of these jobs, will the Minister inform the House when Mr Gillard officially commenced his duties?

Mr BRADY: The question should be placed on notice. As I was not the Minister when Mr Gillard commenced duties, I do not have personal knowledge of that. I would need to receive information from my office on the exact date that he commenced duties. I ask the honourable member to place the question on notice.

Mr SPEAKER: Order! Does the honourable member wish to place the question on notice?

Mr COOPER: Yes.

Mr SPEAKER: The question will be placed on notice accordingly.

Redlands/Logan Koala Bushland Coordinated Conservation Area

Mr BUDD: I direct a question to the Minister for Environment and Heritage. I note that the Minister announced recently the pending declaration of a koala bushland coordinated conservation area in the Redlands/Logan area. I ask: could she outline what that decision will mean for the people of the area and for Queenslanders in general?

Ms ROBSON: I thank the member for Redlands for his question. Clearly, he has shown a very supportive stance in the

conservation and protection of the koala habitats in his electorate and also in my electorate of Springwood. I am very pleased to be able to announce that this koala bushland coordinated conservation area is the very first of its kind under the new Nature Conservation Act. Of course, it was initiated by my predecessor, Pat Comben, who was very helpful and cooperative in terms of understanding the significance of this area. The particular area involved, which is now a reserve, covers the Daisy Hill State Forest, the Neville Lowrie Reserve, the Venman Environmental Park and, most importantly, private land. We have entered into an agreement with all the participants involved—local government, State Government departments, private land-holders and local community groups—and we have set up a management committee which will look after that particular area.

This is a significant initiative. The project is the first preservation of a very significant koala habitat under the Nature Conservation Act. The agreement is such that we can be assured that the koala corridors and the habitats of those declared areas will be protected for the enjoyment of the people of south-east Queensland and tourists visiting this State.

Once again, I mention that the support given to me by the member for Redlands since his initial involvement has been energetic and has meant that matters could progress to the point at which this conclusion has now been reached.

Mr Veivers: What a soft, caring person.

Mr Purcell: Not like you, Mick—big and cuddly.

Mr SPEAKER: Order! We will listen to the second question from the member for Redlands.

Future Search Workshop, Russell Island

Mr BUDD: I direct a question to the Minister for Business, Industry and Regional Development. In late May this year, a Future Search workshop encompassing all the southern bay islands was held on Russell Island in my electorate. I ask: could the Minister advise the House of the outcome of the Future Search workshop?

Mr ELDER: As the member for Bulimba just said, one could almost say “big and cuddly”.

The Future Search workshops have been run by my department in 13 centres this year,

with more than 1 000 people attending. At Birdsville, 20 people attended; at Isisford, 45 people attended; and, at Texas, 70 people attended. The purpose of the workshops is to get those people together to discuss the economy in their regions and to discuss opportunities for development in their regions. But it is not merely talk. An officer from my department follows up on those workshops and tries to achieve desired outcomes—concrete outcomes—and development opportunities in those regional areas.

As the member for Redlands said, traditionally those workshops are held in remote areas. However, on 22 May, with the help of the member for Redlands, a workshop was held at Russell Island. That workshop was attended by 360 people. It was the best-attended workshop of any held to date throughout the State. It is an achievement to have people from the various islands of Moreton Bay represented at one site on a given day. When honourable members consider that 4 000 people now live on bay islands—many of whom moved there because they want to enjoy that type of lifestyle—they will realise the importance of those workshops to that particular area.

As a result of that workshop, 18 subcommittees have been formed to investigate further strategies ranging from aquaculture on Lamb Island, to tourism on Coochiemudlo Island, to cottage industries on Stradbroke Island, to utilities and service development on Macleay Island, to ecotourism on Russell Island, and to education facilities and business opportunities on Stradbroke. Honourable members can see that those people are looking very seriously at how they can develop their region and how they can develop job opportunities on the bay islands. Importantly, members can see from the number of people involved in those 18 subcommittees just how positive and how committed those communities are.

The strength of the workshops is, quite simply, the local committee. I take this opportunity to say that, in the case of the Future Search workshop on the islands, the local committees did a wonderful job. I ask the member for Redlands to commend them on my behalf. I thank the member for Redlands and that committee for the assistance that was provided in relation to this workshop. The strength of the Future Search workshops is simply that it is developed and acted on by the local community.

Sale of Educational Facilities

Mr QUINN: In directing a question to the Minister for Education, I refer to a letter dated 11 June this year, written by the member for Chermside to the Save Our Schools subcommittee of the Cairns Central State School Parents and Citizens Association—I will table the letter—in which he states—

“I have been advised by the Honourable Pat Comben MLA, Minister for Education, that the State has made a commitment to fund the provision of additional places for tertiary education in Queensland.”

The letter states further—

“Funding these additional places is to be obtained from the disposal of assets that are considered to be underutilised or where the cost of retention is too high.”

I ask: since the Government has already decided to dispose of Cairns Central State School to fund the construction of the Cairns campus of JCU, how many more educational facilities are to be sold to finance the tertiary places mentioned in the letter? Why is the Government disposing of assets to fund recurrent costs, an action the Treasurer has claimed the Government would never contemplate?

Mr COMBEN: The honourable member has asked a question in several parts, the last one being: why are assets being sold to pay for recurrent costs? We have not, and we will not. That is a basic tenet of this Government. I have to say that that letter was not drafted by me.

Honourable members interjected.

Mr De Lacy: It's a new capital facility.

Mr SPEAKER: Order! The question was not directed to the Treasurer.

Mr COMBEN: I turn now to the subject of debate across the Chamber. Whatever that letter might say about funding additional tertiary places, it was not drafted by me, by my personal staff or by the department. I suspect that there may be a little bit of sloppy wording in terms of what we are funding. We are funding the capital—part of the capital. That will then provide places. I assume that that is what the member for Chermside meant.

In terms of the Government's funding additional places—we have done that for the last three years. We are now funding capital expenditure out of capital receipts. The only way that we could provide a tertiary future for the young people of Cairns was to use an asset that had been duplicated a kilometre in one direction and three kilometres in the other

direction, and we have done that. There will be no sale of assets for recurrent funding. If I sell an asset, if it be one of those 80 pieces of vacant land across Queensland that we are selling—

Mr Quinn: What about Bardon?

Mr SPEAKER: Order!

Mr COMBEN: Whether it be the Bardon Professional Centre or anything else, any capital sale return will be used for capital expenditure. We know that precisely; we maintain that totally—it will not be used for recurrent funding.

I will scrutinise that letter a little more closely. In broad terms, the honourable member was correct. It was a robust and noble return to the Cairns school, and I admire him for saying that.

Tallebudgera Camp

Mr QUINN: I direct a second question to the Minister for Education. Tallebudgera Camp school on the Gold Coast is one of 14 outdoor and environmental centres recommended for closure in a report prepared by the Education Department. I will table a summary of the report. I ask: can the Minister give an assurance that the Tallebudgera Camp school, which has been an institution for a generation of Queenslanders, will not be a victim of the Government's education cutbacks?

Mr COMBEN: I think that the honourable member's premise may be incorrect—it might be called the Tallebudgera Camp school, but I do not think that he would find it as a school in Queensland. The gazetted Tallebudgera Camp is actually owned in part by the Division of Sport. Additionally, I have actually sent that report back to the department. I am totally unhappy with it. I think it is wrongly premised. It did not even ask the question of what educational standards are being provided by different environmental—

Mr QUINN: On Monday, it was one of the schools that was faxed to the region to be closed. It is a school.

Mr COMBEN: I do not think it is a school. To clarify the matter, I will give an undertaking to the House that I will reply to the honourable member for Merrimac later today in terms of that school. I still believe—I am not briefed on it—that it is not a school; it is a camp run by the Department of Tourism, Sport and Racing. I will clarify the matter later in the day.

Government Land Management System

Mr DAVIES: I ask the Minister for Lands: in relation to the Government land management system, GLMS—are any of the policies of the GLMS retrospective, which would force councils to buy land that they presently hold?

Mr SMITH: I thank the honourable member for the question because it provides me with the opportunity to refute some of the rubbish that has been peddled around by the Opposition spokesman and other members of the National Party and, of course, conveniently carried by the rural press. The fact is that councils are not obliged to purchase outright either lease land or reserve land that they presently hold. Under the GLMS system, there will be a requirement in the future to buy, at freehold rate, operational land, although there is provision for leasehold under certain circumstances. Community land will be provided free of cost, as it always has been.

In many ways, there is an advantage to a council to own operational sites under freehold title because if they are situated on reserve land, considerable problems can arise when it comes to disposing of those properties. I suggest that that type of misinformation causes unnecessary concern to councils in rural areas and should not be put around. By doing so, members opposite do them a disservice.

I might add, though, that ongoing discussions are occurring with the Local Government Association to clarify certain matters because, clearly, some land is operational and some land is for community purposes. There is a grey area which might fall into either category and, in cooperation with the Local Government Association, we are working that through. There will be no rushed decisions made on those matters. Councils, particularly in rural areas, do not want this additional aggravation. There is another point in terms of equity.

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

TRANSPORT LEGISLATION AMENDMENT BILL (No. 2)

Hon. D. J. HAMILL (Ipswich—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (11.16 a.m.), by leave, without notice: I move—

“That leave be granted to bring in a

Bill for an Act to amend certain Acts relating to transportation.”

Motion agreed to.

First Reading

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

Second Reading

Hon. D. J. HAMILL (Ipswich—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (11.17 a.m.): I move—

“That the Bill be now read a second time.”

This Bill provides for the repeal of all existing legislation in the State Transport Act 1960 and the Traffic Act 1949 that relates to heavy vehicle driving hours and amends the State Transport Act 1960 to provide for regulation-making powers to administer heavy vehicle driving hours. The objective of the Bill is to consolidate the driving hours arrangements within the appropriate Act, that being the State Transport Act. Furthermore, these amendments will afford the opportunity to introduce driving hours in Queensland that are consistent with New South Wales and Victoria to resolve significant road transport industry difficulties. It will also provide the flexibility needed to introduce National Road Transport Commission initiatives in due course.

The limitation for driving hours was introduced to control fatigue in longer distance heavy vehicle driving and to minimise the number of fatigue-related accidents. Driving-hour limitations for heavy vehicles have been enforced in this State since 1962 and in that time no real changes have been made to the regime. At present, the Queensland driving hours regime is at variance with the other eastern States. The aim of this legislation is to introduce realistic improvements to the current operational environment that includes more effective control and accountability measures and maintains safety standards. To bring about consistency with the other eastern States, the driving hours that will be prescribed by regulation will be—

the present maximum of 11 hours driving in 24 hours raised to 12 hours;

10 hours consecutive rest in 24 hours reduced to 6 hours; and

5.5 hours maximum continuous driving reduced to 5 hours.

The regulations will also introduce a newly designed logbook as agreed by Austroads and supported by industry. This log will simplify the administrative task for drivers and increase the accountability of employers. These initiatives are putting Queensland in the lead role for resolving this issue, and it is hoped other States will follow and adopt similar practices. The changes included in this Bill focus on safety and establish a balance between—

- driver needs;
- fatigue management;
- freight and passenger transport requirements;
- compliance measures; and
- greater industry responsibility.

Further, it provides a more flexible approach that will be more likely to attract voluntary compliance so that enforcement measures will be concentrated on those operators who put safety at risk and are not prepared to adopt the appropriate behaviour change. This initiative will be well received by the road transport industry as the inconsistencies across State borders have been a major issue for a considerable time. Industry leaders and the National Road Transport Commission have agreed that the changes proposed are a substantial step towards national consensus on driving hours. I am pleased to present the initiatives contained within this Bill before the House today. I commend this Bill to the House.

Debate, on motion of Mr Johnson, adjourned.

GRAIN INDUSTRY (RESTRUCTURING) AMENDMENT BILL

Hon. E. D. CASEY (Mackay—Minister for Primary Industries) (11.19 a.m.), by leave, without notice: I move—

“That leave be granted to bring in a Bill for an Act to amend the Grain Industry (Restructuring) Act 1991.”

Motion agreed to.

First Reading

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

Second Reading

Hon. E. D. CASEY (Mackay—Minister for Primary Industries) (11.20 a.m.): I move—

“That the Bill be now read a second time.”

The purpose of this Bill is to terminate the compulsory, or statutory, hail compensation schemes for wheat and barley growers and to vest any funds remaining in the hail insurance reserves in Grainco Queensland Co-operative Association Limited, known as Grainco. This amendment was requested by industry through Grainco after consultation with grower members of Grainco's grower liaison committees throughout the State and with the Queensland Graingrowers Association.

General support from growers and the QGGA has been obtained. The hail compensation schemes were inherited by Grainco from the previous State Wheat Board and the Barley Marketing Board, two of the six organisations which merged to form Grainco—Queensland's and Australia's outstanding success story in industry restructuring. Unfortunately, the seasons have been disastrous for Grainco's profitability, but they are weathering the storm much better than if they had remained separate entities.

Grainco is now a commercial enterprise and is preparing for what it believes is eventual deregulation of the grain industry, not just in Queensland but Australiawide over time. Through the introduction of permits at a very nominal fee for wheat, barley and sorghum in central Queensland—all of which vest in Grainco under the Grain Industry (Restructuring) Act 1991—the domestic grain market is now effectively deregulated. Compulsory hail insurance is regarded by industry as a hindrance in a freely competitive marketplace.

If the grower can decide on production input costs, when and to whom to sell, at an agreed price—and that grower is competing against substitutable crops such as maize, sorghum, etc., which are not subject to compulsory hail cover—then it makes commercial sense to give the grower the commercial freedom to decide whether to take out insurance on the crop. This amendment is all about commercial democracy.

Grainco, through cooperation with QGGA, will introduce a commercially underwritten voluntary insurance scheme prior to the actual termination of the statutory schemes. Growers will be given ample opportunity to cover their risks, but will be covered in any case for damage occasioned prior to this amendment being given effect. Grainco currently administers the compulsory hail schemes as part of its operations, and it is required to do so by the Act. However, the Act in its present

form requires that, on termination of the schemes, the funds held in reserve are to be placed in a trust fund with Grainco to be trustee. Industry has requested, and the Government has agreed, that the funds would be best utilised by Grainco for the benefit of the grain industry. This amendment will provide for the most judicious use of those funds—which amount to about \$9.5m—by the industry at a time when it, as indeed all rural industry, is on its knees, due to the devastating drought. Virtually all of the major grain-producing areas have been declared drought-stricken in Queensland. I therefore commend the Bill to the House.

Debate, on motion of Mr Perrett, adjourned.

MAGISTRATES COURTS JURISDICTION AMENDMENT BILL

Hon. D. M. WELLS (Murrumba— Minister for Justice and Attorney-General and Minister for the Arts) (11.24 a.m.), by leave, without notice: I move—

“That leave be granted to bring in a Bill for an Act relating to the jurisdiction of Magistrates Courts, and for other purposes.”

Motion agreed to.

First Reading

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

Second Reading

Hon. D. M. WELLS (Murrumba— Minister for Justice and Attorney-General and Minister for the Arts) (11.24 a.m.): I move—

“That the Bill be now read a second time.”

The main purpose of this Bill is to increase the civil jurisdiction of the Magistrates Court from \$20,000 to \$40,000. Generally speaking, compared to the higher courts, the Magistrates Courts offer a quicker, cheaper and, through additional facilities such as pretrial conferences, frequently a more effective means of resolving civil disputes.

The objective of the Magistrates Courts Jurisdiction Amendment Bill is to increase the monetary civil jurisdiction of the Magistrates Court from the existing \$20,000 to \$40,000 and there has been general support for this increase in civil jurisdiction. I should

emphasise that the increase in jurisdiction will result in a significant saving to the litigant of time and costs with respect to those matters which go to trial in the Magistrates Courts as compared to the District Courts. For example, solicitors will often appear without a barrister in the Magistrates Courts but not in the higher courts. Further, there is presently a fee of \$193 to enter an action for trial before a judge in the District Court and the Government has decided that the fee of \$193 will not apply to any actions heard in the Magistrates Court.

To minimise any increased waiting time and to facilitate early settlement in the Magistrates Courts, the equivalent of Rule 149A of the District Courts Rules will be introduced into the Magistrates Courts Rules to allow for the filing and exchange of the plaintiff's statement of loss and damage and the defendant's statement of expert and economic evidence. This exchange will take place at or before the time of filing the certificate of readiness.

Information from other States and Territories indicated that an increase to the Queensland Magistrates Court civil jurisdiction was appropriate. However, some of the levels for other States and Territories were above \$40,000, whilst some were below this figure. The \$40,000 limit was considered appropriate especially as it is the same as the jurisdictional limit in the Magistrates Court equivalent in the neighbouring State of New South Wales. With respect to the Magistrates Court scale of costs, a new level of costs for matters over \$20,000 will be included to ensure that successful litigants are adequately compensated for legal costs on a party and party basis.

To ensure that the Magistrates Court remains accessible to the general public, the Magistrates Court scale of costs will provide that the costs of or incidental to the attendance of both counsel and solicitor will not be allowed during the course of a trial unless the magistrate certifies it is necessary to have both counsel and solicitor during the trial. Further, provision will be made in the Magistrates Court scale of costs so that the costs of attendance of a clerk with counsel, or solicitor acting as advocate, will be allowed during the course of a trial provided the court does not disallow such costs on the basis that the attendance of a clerk was not reasonably required.

The provisions to which I have just referred will assist in keeping legal costs in the Magistrates Court in proportion to the amounts recoverable in that jurisdiction.

Section 10 (1) of the Magistrates Courts Act 1921 currently provides in part that where the sum sued for in any action is less than \$1,200, the Magistrates Court shall be guided by equity, good conscience and the substantial merits of the case without regard to technicalities or any rules of evidence. This Bill increases this amount to \$5,000 or less, which is the same amount as the jurisdictional limit for the Small Claims Tribunal and the Small Debts Court which are similarly not bound by rules of evidence.

There has been some concern that the existing wording of section 10 (1) enables magistrates to arrive at a decision which is fair but not necessarily in accordance with normal principles of law. Accordingly, section 10 will be amended to clarify that magistrates are bound by normal principles of law with respect to actions for small debts or where the sum sued for is \$5,000 or less. Further, section 11 (3) of the Magistrates Courts Act 1921 provides that there is no right of appeal for actions involving amounts less than \$2,400 unless there is some important principle of law or justice involved. This Bill increases this amount to \$5,000 or less, which is similar to the current situation regarding the limited grounds of appeal from the Small Claims Tribunal and the Small Debts Court. Also, certain minor amendments to the Magistrates Courts Act 1921 have been made by this Bill to reflect the current drafting practice. I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

JURISDICTION OF COURTS (CROSS-VESTING) AMENDMENT BILL

Hon. D. M. WELLS (Murrumba— Minister for Justice and Attorney-General and Minister for the Arts) (11.31 a.m.), by leave, without notice: I move—

“That leave be granted to bring in a Bill for an Act to amend the Jurisdiction of Courts (Cross-vesting) Act 1987.”

Motion agreed to.

First Reading

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

Second Reading

Hon. D. M. WELLS (Murrumba— Minister for Justice and Attorney-General and Minister for the Arts) (11.31 a.m.): I move—

“That the Bill be now read a second time.”

This Bill encompasses two amendments. Both are the result of deliberations by the Standing Committee of Attorneys-General. The House may be aware that since 1987, there has been a nationwide scheme for the cross-vesting of court jurisdiction. This scheme covers State, Federal and Territorial superior courts, that is, the Supreme Courts of the States and Territories and the Federal and Family Courts.

The purpose of the scheme is to allow any of those courts to exercise the jurisdiction of any other of those courts. This facilitates the hearing of actions which straddle several jurisdictions. If an action more conveniently belongs in another forum, the scheme allows for an easy transfer, avoiding the cost and delay of termination and repleading.

The first amendment is simply to include the ACT in the definition of “State” for the purposes of the scheme. The ACT, since gaining self-government, has had an independent Supreme Court. It is presently passing cross-vesting legislation similar to that in force in all States and the Northern Territory. We welcome their full participation in the scheme.

The second amendment is aimed at more readily achieving the transfer of certain “special Federal matters” from State Supreme Courts to the proper federal court. “Special Federal matters” are defined in the principal Act by reference to the definition in the Commonwealth Act. They include claims under the Commonwealth Administrative Decisions (Judicial Review) Act, appeals from Commonwealth tribunals, restrictive trade practices cases under the Trade Practices Act, and consent to adoption proceedings under the Family Law Act. The intent of the scheme is that court actions involving such claims should be resolved in the relevant Federal court. In a few instances, judges in other States have not transferred such cases. The procedure is therefore modified to reinforce the prescription that such matters should be transferred.

A Supreme Court judge is to retain the case only if there are special reasons for doing

so. Such reasons are not to include the convenience of the parties. Under the present procedure, the Commonwealth Attorney-General could direct a State court judge to make such a transfer. That power of direction is inimical to the independence of the courts, and also to the proper relationship between State and Commonwealth powers. In its stead, a Supreme Court judge, before retaining a case involving a "special Federal matter", must notify both State and Commonwealth Attorneys-General. They then are to have an opportunity to make submissions to the court about the transfer. I commend this Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

WORKERS' COMPENSATION AMENDMENT BILL

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (10.34 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Workers' Compensation Act 1990."

Motion agreed to.

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) (10.35 a.m.): I move—

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

Since 1926, the Workers Compensation Board of Queensland has made grants from the Workers' Compensation Fund to various organisations which provide services to injured and disabled persons and to organisations that promote safety in the workplace in the State of Queensland. These payments are made on the basis that injured workers either directly or indirectly benefit from the activities of the organisation receiving the grant.

Payments from the fund to organisations for workers' compensation related activities occur as part of the strategic operations of the board. These are: payments to the Mines Rescue Brigade for the board's ongoing

support in terms of the Coal Mining Act since 1926, payments to the Royal Flying Doctor Service in support of the urgent medical treatment provided by this service to injured workers in remote areas of Queensland since 1956, payments to the State Health Department for treatment provided to workers' compensation claimants at the State's public hospitals since 1983, payments to the National Safety Council from 1982 till 1991, and payments to the Division of Workplace Health and Safety since 1988.

A recent review found that the Workers' Compensation Act 1990 contained general provisions for payments in respect of the administration of accident and other insurance business undertaken by or on behalf of the board, but did not contain specific provisions in relation to the transfer of funds in the above-mentioned cases. Clauses 1 to 4 of the substantive amendments of the Bill are designed to put the matter beyond doubt.

In relation to clauses 1 to 59 of the minor amendments of this Bill, I advise that the opportunity has been taken to make a number of minor changes of a non-substantive nature to the Workers' Compensation Act 1990. These changes correct out of date terms and express them in plain English and remove references that are now redundant or unnecessary due to the operation of the Acts Interpretation Act 1954 and the Statutory Instruments Act 1992. I commend this Bill to the House.

Debate on motion of Mr FitzGerald, adjourned.

WORKERS COMPENSATION AMENDMENT REGULATION (No. 1) 1993

Disallowance

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (11.38 a.m.): I move—

"That the Workers Compensation Amendment Regulation (No. 1) 1993 tabled in the Parliament on 14 July 1993 be disallowed."

Last night, the media ran on the theme that the Goss Government is under siege in Queensland. The media got it a bit wrong.

Mr Davies: They certainly did.

Mrs SHELDON: It is the people of Queensland who are under siege by the Goss Government. Your Government is putting them under siege, Mr McElligott. Queensland's economy is under attack. The personal finances of every Queenslanders are under attack. Their health, education and

general wellbeing are under attack. The standard of living so cherished by generations of Queenslanders is under savage, sustained attack by this lousy Labor Government.

These regulations, quietly dropped in this House on Wednesday, are just a costly attack on jobs, small business, local councils and the Queensland community. These regulations are misnamed. This 44-page document has very little to do with funding just compensation levels to injured workers. It has a lot to do with tax—more and more taxes for the greedy Goss Government. There are 44 pages of these regulations, and there are a dozen tax hikes on every page.

It is the second secret tax grab of the week. Mr De Lacy set the scene on Monday for rate rises for every Queensland householder with his performance dividend, levied through the QTC, and otherwise known as the Treasurer's banking monopoly over local government finances. If the rates do not go up, then jobs will go. Council workers from Thursday Island to Toowoomba will pay the price of Mr De Lacy's performance dividend. What a name—"performance dividend"! Another 800 workers could lose their jobs to pay the dividend for the Goss Government's performance.

Then, on Wednesday, we quietly get another tax on jobs. It was already in existence, of course.

Mr Foley: It was announced in May.

Mrs SHELDON: Goss' higher taxes on jobs actually came into effect over a fortnight ago—before the Premiers Conference and before the Cabinet meeting in Cairns on Monday. This lousy Labor Government used workers' compensation as an excuse to whack up the tax on jobs long before these regulations were tabled in Parliament. Page 2 of the regulations show that they are backdated to 1 July.

As with the Treasurer's performance dividend, there was no consultation with business, employers or local government. I am sure that it was no surprise to the union bosses at Trades Hall—or whatever it is called these days—the Queensland branch of the ACTU. Even local government did not know that it was coming, and local government, along with small business, is the hardest hit by the workers' compensation scam.

Local government employs 20 000 Queenslanders and pays out more than \$400m in wages each year. Local government was entitled to expect a spot of consultation, especially when it was about to be hit with two

GSTs in the same week. One could call it "Goss' secret taxes" on local government finances and employment, amounting to at least \$16m per year. After all, there was all that noble rhetoric in the Premier's Leading State document—or should one say "Bleeding State"—about the importance of local government and how it was high on Mr Goss' consultation list. Now local government knows just where it stands with the Goss Labor Government! The Premier's word has all the worth of any Labor promise anywhere. With approximately 20 000 workers on its various payrolls, local government rates high only on the Premier's tax list. None of these taxes on jobs would ever have been discussed, inside or outside Parliament, if the Opposition had not moved the disallowance motion now before the House.

As I stated earlier, these regulations are misnamed. They have little to do with workers' compensation and a lot to do with the need for money by another spendthrift Labor Government. They should have been called the "hollow log amendment regulations". These massive increases in workers' compensation premiums are just Labor's way of filling the hollow logs which it has emptied previously. It is a matter of record that Labor's raids on the healthy hollow logs left by the previous Government have left them with a very empty ring. What has happened to the workers' compensation premiums paid in over years and at the old rates? Have we had a rush of workplace injuries causing a drain on compensation funds? I find that hard to believe, especially in the union-dominated, overregulated Queensland of the Goss Government. Or has the money been siphoned off into more bureaucracy, more regulation, more of Labor's harebrained schemes—just like the accumulated funds of the ambulance services, which disappeared down Labor's black hole.

Just how much in workers' compensation premiums has been siphoned off to this Government's Division of Workplace Health and Safety—

Mr FitzGerald: That is it.

Mrs SHELDON: Perhaps the Minister might like to interject on that—and, through there, into Trades Hall, perhaps? I note that the Minister is a bit quiet on that topic. I hope that has the decency to answer these questions at the end of the debate, because I am not the only one who is asking them.

I will quote from yesterday's circular from

the Local Government Association of Queensland Inc. It reads, in part—

“The increase from 3.66 per centum to 4.57 per centum is significant and represents a premium hike of 24.86 per cent. The potential cost impact of the new premium on local government in Queensland would be between \$2.5 million and \$3 million.

The new rate was determined without consultation with the Association. It is considered that this premium increase was determined primarily on the basis of the State Government’s need to inject additional funds into the scheme rather than the likely claims experience of councils over the coming years.

It is well known, however, that the Government has been transferring funds from the scheme to support the operations of the Division of Workplace Health and Safety.

The increased premiums come on top of the State Government’s announcement of the QTC performance dividend. It would appear to be another example of charges to local government being used to overcome the State Governments’ Budget difficulties.”

Those are the words of the local government people themselves. The fact that those people sound a bit surprised at the duplicity of the Minister and the Goss Government indicates that they must not have followed the Metway Bank robbery very closely, or the other raids on hollow logs, such as the Auctioneers and Agents Fidelity Fund.

Of course, local government has a particular problem with those two latest tax grabs by the Goss Government. By law, local councils have to bring in their budgets by the end of this month. Most have already done so, most have struck their rates and, in good faith, told ratepayers what council services will cost for the coming year. Now they have been hit with at least \$16m extra in tax on their borrowings and their payrolls. The majority of Queensland councils do not have very much financial flexibility, anyway. Obviously, the Minister could not care less. Just look at the situation with the Albert Shire Council.

Mr FOLEY: I rise to a point of order. I find that remark offensive and untrue, and I ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr Palaszczuk):

Order! In accordance with the Standing Orders, I ask the member to withdraw that remark unequivocally.

Mrs SHELDON: It is certainly true. Mr Deputy Speaker, it may be offensive but, on your ruling, I withdraw it. Look at the situation with the Albert Shire Council.

Mr ROBERTSON: I rise to a point of order. I have been sitting here patiently. I understand that this is a debate on workers’ compensation. I have yet to hear any discussion about the topic.

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

Mrs SHELDON: Just look at the situation with Albert Shire Council. It was scheduled to introduce its budget at 10 a.m. today—just over an hour ago. The council is still to be notified by this Government that its budget is out by a minimum of \$117,000 because of the extra compensation premiums, and it has been since 1 July. That is the equivalent of at least four jobs for council staff, and the budget is being introduced right now. Will the Premier or the Minister tell the Albert Shire Council which services it should cut and which workers it should sack to make up the \$117,000 in extra taxes to the Goss Government?

In the case of my own home base of Caloundra, the latest Goss Government secret tax will cost the council \$116,000, which is the equivalent of another four jobs. It is an irony to think that the Minister is also the Minister for Employment. It is a similar story with the neighbouring council of Maroochy Shire, which will have to pay the new Goss Government tax to the equivalent of another four jobs for council workers.

In Cairns, where the city council brought down its budget yesterday, it now finds that it is taxed an extra \$54,000, which cannot be factored into the budget process—another two jobs. In bigger councils, such as the Gold Coast, literally more than a dozen jobs could be at risk because the tax increase levied through the workers’ compensation scheme adds up to a quarter of a million dollars.

Labor’s recession and the drought have removed the ability of Queensland councils to respond with any flexibility to those sorts of financial body blows. Obviously, it does not mean much to this \$3,000-a-week Premier, but many people in country Queensland simply cannot afford to pay their rates. They certainly cannot afford to pay another \$16m in rates for this Government’s backdoor tax slugs of the past week.

Councils have been cut back already. Throughout Queensland, jobs have been shed and services have been trimmed accordingly. We have already 161 000 jobless in Labor's Queensland; we do not need thousands more people thrown out of work because of this Labor Government's greed and financial mismanagement. That may be the price in jobs for this latest demand from Premier Goss and Treasurer De Lacy. Because of the sheer stupidity of the timing, because of the hysterical knee-jerk reaction to Mr Goss's failure at the Premiers Conference, jobs will almost certainly go—all because of Mr Goss's big mouth and the obvious contempt in which he is held by his Labor leader in Canberra. Less than one-hundredth of Queensland's total Budget was withheld at the Premiers Conference. As we know, the figures that he is using about Budget cuts are based on shonky data.

This is a Government in search for an excuse to raise taxes. If excuses cannot be found, they are made up by the Premier and the Treasurer. So with no warning and no consultation, the Premier puts new taxes on everyone, but in the case of local government, another 4 per cent of its wages allocation is hijacked by the Goss Government. Although this Government touts the compensation rises as "only a 13 per cent increase on average", that is another Labor lie. In the case of the average small business, it is within a percentage point of 50 per cent. Mr Foley never thought about private enterprise, or small business, did he? They really do employ the people of this State.

Mr Foley: The QIDC is represented on the board.

Mrs SHELDON: And he does not listen. It is another shonky bit of consultation, because this Labor Government, this Government for the working class, has already upped the price for employers who have to make the biggest efforts to ensure safety in the workplace. As a financial incentive to guard against injury at work, employers were given a 50 per cent merit rebate if none of their workers were injured and, therefore, no workers' compensation claims were filed. That makes good economic sense, and it showed a regard for workers' health and safety—basic things which are supposed to be right up the top of Labor's agenda.

The merit rebate is similar to a no-claim bonus on car insurance. Because of the nature of the trade, and because people are concerned about the safety of their friends

and workers, small business gained the most under the merit rebate system. I understand that approximately 90 per cent of the 130 000 small businesses in Queensland gained the full 50 per cent merit rebate last year. Unfortunately, the money-hungry Goss Government noticed this, too. Workers' health and safety is of no account when this Labor Government runs out of money. So the same day as the new premiums came in, 1 July this year, the merit rebate on safe workplaces was chopped back by a full 10 per cent. Now employers can be as safe as they wish, and spend money and time ensuring that their factories, shop or work site is really safe, but they can claim only 40 per cent as a rebate—the Goss Government takes the rest.

In the case of a typical small business, such as a painter who employs four workers on wages of approximately \$25,000 a year, last year, that small business paid workers' compensation premiums of \$3,780—a not inconsiderable sum—which works out at \$72 a week. This year, with the latest Government tax on jobs, those premiums will go up to 4.72 per cent of the payroll, or a total of \$4,720, which is approximately \$90 a week. If workplace safety had been maintained and no work accidents had been claimed, the business rates only 40 per cent of a higher total premium as a merit rebate, or \$1,889. That means that the end cost of last year's workers' compensation premiums of \$1,890 has now jumped to an end total of \$2,831 as of 1 July.

The dollar increase in the cost of insuring those four workers since 1 July is \$941, which might not be much to a \$3,000-a-week Labor politician, but it is a lot to the average small business man and woman. Expressed as a percentage, the increase between last year's \$1,890-worth of premiums and this year's \$2,831 is 49.8 per cent. So much for the claptrap that this Government puts out about an average rise in the cost of workers' compensation of only 13 per cent! The rise is within touching distance of 50 per cent.

Mr Foley: Thirteen and a half.

Mrs SHELDON: I repeat: 50 per cent. That is an horrific price rise on workers' safety for the small businesses of Queensland. I would appreciate it if the Minister would address that particular point in his reply to this debate. I would be happy to show him the figures—how a 13 per cent rise in premiums to Labor's propaganda machine is, in reality, a 50 per cent rise to the people paying the bill. It is no wonder that one union leader described this Labor Premier's actions as "ratting on

Labor's ideals, ratting on the people who voted him into power."

Time expired.

Mr PERRETT (Barambah) (11.55 a.m.): In rising to second this motion, I ask: how much more does this Government think rural and regional Queensland can take? When will it wake up to what it is doing to people who are struggling against the odds to survive in business? The increased premiums and the decreased bonuses outlined in these regulations are over the top, particularly at a time like this.

We have all heard the figures bandied about in this debate. The percentage rises are repressive enough—50 per cent for most callings involved in farming. The absolute dollar amounts are more frightening for people who are trying to conduct viable operations in agricultural or pastoral businesses already on or below the margin. People who are lucky enough to have four staff remaining cannot pay around \$1,800 a year. They cannot pay it, because they are already up for increased land rentals or land tax. They are already up for new or increased charges for services from Government. They are already coping with reduced road maintenance, which means a bigger maintenance bill for the vehicles that are wrecked by substandard roads. They are already paying increased rail freights on inputs and the products that they move to market—that is, of course, if they still have a rail service. They are also struggling with a devastating drought, and little in the way of help from an uncaring Government. They are still struggling to overcome the after-effects of the high interest rate binge.

There is no capacity to pay any more. The alternative will be staff reductions, and rural Queensland cannot afford that, either. Of course, the Labor Party will say that farmers are not big employers these days. Dead right! The family farm is just that, because 10 years of Labor in Canberra and three years of Labor in this State have had an effect. There is little capacity to employ, and farms are usually run on unpaid family labour. That is especially so in grain and livestock operations, but there are still some who can employ staff—or they could before this came along. In some farming sectors the use of outside labour has to continue. The intensive livestock industries and horticulture ventures spring to mind. The margins there are so thin that measures such as this could be the end.

The increased costs contained in these regulations will probably have their biggest effect in the small towns in rural Queensland.

The economic interdependence of farmers and nearby towns is just about total. If added costs are put onto stores, service stations, machinery dealers, produce agencies and the like, some will go to the wall. They are already suffering badly from the fact that farmers have so little to spend these days. Those rural businesses cannot shoulder another burden. If they go, towns are closer to dying.

I am reminded of the recent words of Paul Franzmann, the deputy chairman of the Flinders Shire Council. He did not know about these workers' compensation cost increases, of course. He was talking about other cost increases imposed by Labor. He said that what was happening in rural Queensland was like ethnic cleansing, but with economic rationalism as the weapon rather than violence. Of course, he was talking about the de-population of vast tracts of Queensland. He is right. That is what is happening, and this Labor Government does not seem to care.

The National Party is not for a moment suggesting an end to workers' compensation. It supported it strongly during 32 years in Government in this State, and will continue to support it. Nobody is suggesting that people should not be covered against injury in the workplace. I am simply suggesting that the costs and the awards are getting out of hand. At a time when employment is declining sharply, both premium income and payouts are rising steeply. One only has to look at the last few annual reports of the Workers Compensation Board. Premium income for the board is rising sharply each and every year. This is at a time when employment is declining sharply as Labor's looney economic policies bite deeper and deeper into our economy.

In the last year reported, 1991-92, gross premium income rose to \$376.9m. That premium income should be sufficient to meet the needs of a well-run workers' compensation scheme. I find it more than strange that the number of new claims has risen by almost 300 in the last year reported, 1991-92. But I am staggered that net damages awarded have risen by over \$12m. Costs in settling these claims have risen by almost \$4.5m.

There is obviously something drastically wrong with the way that this Government is running the workers' compensation scheme if costs can rise by almost \$27m in one year. If the problem is, indeed, rising dollar amounts in payouts, then that is the end of the chain that we should be attacking. We should be seeking ways to settle claims equitably without resort to the courts. The same applies to the

costs involved. If the costs of running these cases through courts are too high, then get the high-priced lawyers out of the system.

It might be time that we started conducting these cases on the basis of assessors working their way through objective evidence. Most compensation cases involve personal injury and, after all this time, it should be possible to arrive quickly at an assessment of the cause of the injury and liability for that injury. With all the experience that we have in treating injury and assessing its long-term effect, we should not have to go to court.

An adversary system does nobody any good—except for the lawyers. It clogs the courts needlessly, and it makes the lawyers fat. Surely we can institute a system which is fair to both workers and employers that will give a fast settlement to victims and reduce the costs to employers. That is what we should be doing with the workers' compensation scheme. We should not simply accept all the imperfections and throw more money at them. It is, after all, money that could mean the difference between survival and failure for businesses. It is, after all, money that could make the difference between a job and no job for people who want to keep working.

We must maintain a fully funded workers' compensation scheme, but we must do it in a cost-effective manner. We should be looking now at means of doing that without risking Labor's favoured model of a Victorian Workcare situation; but, at the same time, we have to realise the capacity of the employers to maintain the scheme at current rates of expenditure.

Mr BARTON (Waterford) (12.02 p.m.): We need to put on the table some of the real facts about this disallowance motion. The workers' compensation scheme in Queensland has the lowest premiums in Australia. The last increase in workers' compensation premiums in Queensland was in 1984—nine years ago. Opposition members have failed to recognise that from 1 July 1990 there was a reduction in workers' compensation premiums in Queensland of an average of 4 per cent. Since the last increase in premiums in 1984, not only has there not been an increase, but in 1990 employers received a reduction in premiums. Over that period, a significant amount has been saved by employers in this State. In that context, the increases that have occurred are very modest in the present circumstances.

I stress also that the workers' compensation scheme in Queensland is

considered to be the best in Australia. When I was general secretary of the Trades and Labor Council of Queensland, constantly delegations from other States visited the trade union movement as part of general visits to the board, to employers and to Government looking at how they could pick the eyes out of our system. In that context, if Opposition members want the Victorian workers' compensation scheme, they can have it, because Queensland has the best scheme in Australia.

Another point seems to have been missed by members of the Opposition, and particularly the member for Caloundra. There is employer representation on the Workers Compensation Board. The honourable member said that the employers have not been consulted. I suggest that the Liberal Party and the National Party have not consulted with employers on this issue. If employers are claiming that they have not been consulted, they should be taking the matter up with their representation on the Workers Compensation Board. It is their responsibility to consult with employers. Opposition parties need to understand that these changes have been recommended to the Government by the Workers Compensation Board, on which there is employer representation. This motion proves that members on the other side of the House do not do as they say they do; they do not represent the interests of employers.

Unlike other States, Queensland has a fully funded workers' compensation scheme. These modest increases will ensure that we maintain the best workers' compensation scheme and a fully funded workers' compensation scheme. The best I can say about the contribution by the member for Barambah is that he does not like it because the increases are in workers' compensation, not farmers' compensation. Honourable members opposite seem to have a one-track mind.

I will deal with the important issue of what the scheme represents. Unlike schemes in some other States which have a number of ways of applying workers' compensation, this scheme covers all workers in Queensland automatically, even when employers do not accept their total responsibilities and do not pay their premiums and do not register. All workers in this State are covered by this scheme.

Mr Connor: What about public servants?

Mr BARTON: I do not intend to be distracted by the rantings of the member for

Nerang because, if he gets a fact right in this House, it will be the first time that he has ever got something right in this House. Where employers do not meet their responsibilities, provision is made for action to be taken by the board to ensure those payments are made. I stress that this is a fair and equitable scheme for not only employees in this State but also employers. It is one in which the industries incurring the cost of higher claims—because the nature of the industry means that there are more claims do bear an increased premium. Moreover, the industries that have lower claims and declining claims get the benefit of reduced rates because their claims ratio is lower or is reducing. Importantly, the margin needs to be financed. There is a margin in terms of these costs to allow for management expenses, for anticipated claims costs and for merit bonus discounts. I will return to merit bonus discounts shortly.

Historically, a rates review has been conducted every three years. It is now intended to be an annual rates review because we are faced with a set of circumstances in which there are rapidly changing claims to premium ratios, and we need to ensure that the most equitable rates of premiums are in place for the Queensland employers. There certainly has been an examination of the incurred claims costs associated with each industry classification when these figures have been developed by the board—again I stress “by the board”—and there is analysis of the average of claims paid and the premium collected for the past three years.

Wherever possible, industries of a like nature and similar risk are combined at the same rate. It is important to note that the performance of individual industries has been properly analysed when developing this package. There have been discussions with industries about in which areas they need to improve safety standards, rehabilitation and where they need to improve their claims management. The rates were determined by the board, including the employer representation, in consultation with the board’s independent actuaries.

These minimal increases that have been applied have been done on the basis of the best independent actuarial advice that could be put into place by the board itself, and they only increased the net premium rate from 1.41 per cent to 1.6 per cent. Queensland’s system of workers’ compensation remains, even with those increases, by far the cheapest and most financially efficient in Australia with, I stress, an average premium rate of 1.6 per cent.

About the only point that the member for Caloundra got right was her acknowledgment that the merit bonus scheme is of benefit to employers. The merit bonus scheme does, in fact, allow for incentives for employers who do it right, for those who get their risks down and for those who get their claims down. They are generous financial incentives to encourage safety in the workplace. It is a distribution of part of the fund surplus as a bonus to policyholders, graduated on the basis of the claims-to-premium ratio of the individual employer. So, if the individual employer gets it right, that employer receives the benefit.

The following factors impact substantially on the surplus available for distribution in 1991-92: there certainly has been a general downturn in business growth as a result of the recession; a reduction in assessed premiums, particularly in the construction and manufacturing industries—which, in the past, have attracted fairly high premiums in comparison to some other industries—and a growth in claims costs.

One thing that Opposition members seem to think is that we can control the courts. The courts, not the board, are the reason for the increased claims costs. I will repeat that for the people on the other side of the House because they still do not understand it. There is such a thing as a division of powers in this State and in the Westminster system whereby the Government cannot tell the courts what they should do. I am advised that, in terms of allowing for those merit bonuses, the board anticipates that it will be able to maintain those merit bonuses at a rate similar to those current now. Of course, if there are fewer injuries, there is a greater merit bonus and lower costs for employers.

In conclusion, I want to drive it home to the members on the other side of the House: it is the best workers’ compensation scheme; it is fully funded; it has the lowest premiums in Australia; the last increase was in 1984; there was a reduction in 1990; they are modest increases; and the decision was a result of a recommendation from the board, which has employer representation on it.

Mr CONNOR (Nerang) (12.11 p.m.): I acknowledge the absence of the responsible shadow Minister, Santo Santoro, who had a longstanding official commitment today. On Wednesday, the Goss Labor Government tabled the Schedule of the Workers’ Compensation Act for 1993. The Schedule includes all the rates of workers’ compensation for the different industries within Queensland. Unlike what the member for Waterford maintains, these are not modest increases.

Workers' compensation, which is compulsory for all private sector employees in Queensland, was not increased uniformly. The Government, one month ago, announced that there would be an average 13 per cent to 13.5 per cent increase. But what has happened is that small businesses are paying the penalty to allow for certain large businesses to pay less. The rate changes combined with a reduction in the merit rebate mean that most small businesses and farmers will pay 50 per cent more for their workers' compensation this year compared with last year. Most small businesses will pay a 25 per cent increase in their rate, while coal, mining and abattoirs will have a 5 per cent reduction in their premiums this year. Workers' compensation is one of the largest labour on-costs for most farmers and businesses. In most cases, it is the largest cost to employ people over and above their wages. I seek leave to have the following examples incorporated in *Hansard*.

Leave granted.

**HOW WORKERS' COMPENSATION INCREASE
WILL COST SMALL BUSINESS 50% MORE**

e.g. Painter, signwriter, etc with 4 employees on average wage \$25,000 per annum—payroll \$100,000 per annum.

1992-93	
Premium	\$3,780
Merit Bonus 50%	<u>1,890</u>
Total Payable last year	\$1,890
1993-94	
Premium	4,720
Merit Bonus 40%	<u>1,889</u>
Total payable this year	2,831
INCREASE \$941 or 50% (941)	
(1890)	

Most businesses are on maximum merit rebate (50% last year, 40% this year).

Four employees with average income at \$25,000 p.a.

e.g. Farmer, fruit grower, ploughing contractors, dairy farmers, piggeries, poultry, etc

PAYROLL \$100,000 p.a.

1992-93	
Premium	\$2,370
Merit Bonus 50%	<u>1,185</u>
	\$1,185
1993-94	
Premium	\$2,950
Merit Bonus 40%	<u>1,180</u>
	\$1,770
INCREASE \$585 or 50% (585)	
(1195)	

Mr CONNOR: One example is of a typical small business operation—a painter with four employees; and the other, a farmer and fruit grower, etc., with four employees on the average wage. I invite the Minister to check these examples. The example of the small business is the same for most small businesses. The figures will obviously change, depending on the number of employees and the actual rate for the particular industry. However, the percentage increase will be the same—around 50 per cent in most cases. The merit rebate is similar to the no-claim bonus on car insurance. If one's employees do not have injuries for a reasonable period of time, the employer can receive a reduction in the cost to workers' compensation. The figures show that almost three-quarters of businesses in Queensland are receiving the maximum 50 per cent merit bonus.

Last year, the Government announced that the merit rebate would be reduced as of 1 July this year from 50 per cent to 40 per cent. In other words, the most safety conscious businesses in Queensland will be forced to pay more. Very shortly, probably within the next month, most of the small businesspeople will receive their bills for workers' compensation with this 50 per cent increase. It has the potential to cause some small businesses to have to put off staff.

The Government will argue that we are only pulling out a few odd examples, but let me give honourable members just a few examples of small businesses and farmers who will be affected: painters, glaziers, signwriters, paper hangers, carriers, couriers, cleaners, motor mechanics, engine reconditioners, agricultural farms, harvesting, fruit growers, bean growers, tobacco growers, ploughing contractors, dairy farmers, piggeries, poultry farms, fencers and ringbarkers. They will all be hit with the same increase—50 per cent if they are on the full no-claim bonus.

Mr Foley interjected.

Mr CONNOR: The Minister can have his say at the end of the debate. After the merit bonus reduction is allowed for, employers will be paying half as much again as they paid last year. It will cost a typical, very small business with four employees on the average wage an extra \$1,000 a year. This \$1,000 a year increase is the extra cost of employing someone, and it is 1 000 reasons why they should not employ people. Where is all the money going that the Government has had to rake in to pay for the extra workers'

compensation? Why is the big money grab going on?

In early 1991, the Government introduced an amendment to the Workers Compensation Act. The amendment basically increased benefits by 20 per cent across-the-board. However, the Government maintained, through increased safety in the workplace and other efficiencies, that there was no reason why the premiums should go up. In 1991-92, the very first full year of operation, there was a 34 per cent increase in the amount claimed, yet there were 10 per cent fewer injuries.

According to the Australian Bureau of Statistics, there was a 10 per cent reduction in the number of workplace injuries in the 1991-92 financial year but, during the same time, there was a 34 per cent increase in the amount claimed. According to the Workers' Compensation Board's annual report, claims over that period increased by one-third from \$233m to \$313m whereas there was a 10 per cent reduction in injuries. Not only that, there were a few goodtime charlies out there as well, because, even at a time when there were 10 per cent fewer claims to deal with, the cost of administration had escalated by 10 per cent. On top of that, the Government has decided to use employers' and employees' insurance funds to fund one of its bureaucracies to the tune of \$22.5m over the last few years. Last financial year, the Government syphoned \$13m out of it alone to fund the Division of Workplace Health and Safety. The Government cannot keep raiding funds and expect to keep premiums down.

Mr Foley: That's designed to prevent injuries.

Mr CONNOR: The Minister will have his turn later. The Government has also used the employer and employee funds to give grants to its mates, such as \$120,000 to the Workers' Health Centre and \$25,000 to Safe Work Queensland, which are both affiliates of the Trades and Labor Council. Quite simply, the cost of workers' compensation is anti-employment. Higher workers' compensation equals higher employment cost, and that equals higher unemployment.

If the Government is fair dinkum about trying to keep down unemployment, the last thing it should be doing is increasing the cost of employing people. That is exactly what this legislation is doing, and the Government is making the increases the greatest in the areas where the strongest growth is occurring—in small business—and also in areas that have been hit the hardest as a result of the

drought—the farms. How can this Government possibly justify that?

But the Government's hypocrisy and its double standards on this issue go much further because the Government does not pay into the Workers Compensation Fund for its own employees. It forces all private sector employers to fully fund the cost of insuring their employees, which cost small businesspeople \$377m last year. The Government's decision not to pay workers' compensation premiums means that Queensland businesses are being forced to pay too much in workers' compensation. What it means is that battling Queensland businesses are being forced to pay more because of the Government's double standards. Effectively, they are funding workers' compensation for Government employees.

As workers' compensation is becoming more and more expensive and at the same time more and more money is being syphoned out of the workers' compensation pool, it is totally unacceptable for one major sector of industry not to be paying its fair share. Private enterprise must pay its levy in advance. These levies are invested and they return an income which helps to reduce the cost to the employers for workers' compensation. Because the Government, as the largest employer, does not pay the levy, the return from the investment of its share is not credited to the funds, and this means that private enterprise must pay the difference. According to calculations done by *Business Queensland*, that equates to about \$122m a year, which means that business in Queensland is paying \$100m a year more than it should be.

Last financial year, the State Government paid out \$21.2m in workers' compensation claims which was rebated to workers' compensation. The Government was not prepared to pay premiums, but it had a cosy arrangement whereby, out of the private enterprise fund, it would claim, and then repay the amount at a later date. The public sector in Queensland—the State Government—employs approximately 30 per cent of the work force, yet in the 1991-92 financial year it paid only \$21.2m in claims whereas private enterprise paid \$377m, or almost 20 times as much. Well might people wonder why the Government is being forced into this position and why it has not bitten the bullet on all the problems associated with workers' compensation. I suggest that one need only look at the union movement to realise what the problem is.

About a month ago, the General Secretary of the Trades and Labor Council, Dawson Petie, said that he was not prepared to reduce workers' access to workers' compensation claims. The Goss Government is obviously a captive of the union movement in this respect. Through a working party which included many sectors of the community, the Government recommended that workers' compensation—the access to a common law claim through the courts—should be available, but only after a person went through a tribunal and an offer was made. If the employee, the injured worker, felt that an offer that was made as a result of the tribunal's decision was unreasonable and insufficient, and if he or she decided to make a claim through the courts system but failed to attain a greater amount, he or she would be responsible for the legal costs, which is generally the typical situation in the insurance industry. But Dawson Petie, on behalf of the Trades and Labor Council, rejected that position.

It is important to remember that Queensland is the only State left where employees have unfettered access to common law claims. It simply comes down to the fact that the Premier knows that if Queensland keeps going down this track, we will be going right down the track of all the rust belt southern Labor States and that there would be nothing but trouble. But, in common with all the other Labor Governments, the Goss Government did not have the intestinal fortitude to take on the unions in this regard. Eventually this Government will take them on, but it will be too late—too late for the State, and too late for the Government. In common with most of the other Labor States, the Goss Government will let it go to the stage at which it effectively becomes non-viable to employ people because the cost of workers' compensation will blow out so far that employers will not be able to afford to employ people. In the meantime, unemployment gets worse, and people are left to wonder why.

The Government has presented this amending legislation to allow it to justify pulling out all this money for the Division of Workplace Health and Safety. Mr Goss knows that it is not possible to increase a major cost of employing people in small business and in the farming community by 50 per cent in one year and still expect employment not to be affected. It is as simple as that. The Premier knows that, but he has been rolled and he will continue to be rolled. In common with Bannon, Cain and Burke, Mr Goss does not have the guts to stand up to the unions. That is the reality of the situation. Until he has the

guts to stand up to them, this Government will go down the same path as the Labor Governments in the other States. There is one light at the end of the tunnel in the form of an alternative—hopefully, it will be coming—by the name of Comcare, which is a Federally administered system.

Time expired.

Mr NUTTALL (Sandgate) (12.21 p.m.): I am sure that the member for Clayfield will be pleased that his speech was read. However, I wonder whether the member for Nerang understands any of what he read. The unfortunate thing in this debate so far is that the arguments of the Opposition all centred on dollars and cents. Workers' compensation also has a human element. I would like to address my remarks in particular to the people who are affected by workers' rehabilitation.

Mr Bredhauer: They don't care about workers.

Mr NUTTALL: That is right. One of the main reasons why the Government was able to keep the workers' compensation premium so low in the past is that the Government placed a lot of emphasis on workplace health and safety. If the Government has a good workplace health and safety policy, in the long term that will assist in the reduction of workers' compensation.

I will outline some of the history to honourable members. In the mid eighties, the Trade Union Training Authority, which is an organisation sponsored by the Federal Government, for which I used to work, did a lot of training in the field of workplace health and safety. Its aim was to train workplace health and safety delegates and to give them an idea of what to do in the workplace to avoid workplace injury. That is not enough, and I am pleased to say that, through the initiatives of the Trades and Labor Council—although a conservative Government was in power in this State—the authority established a training unit at the Trades and Labor Council to assist with the training of people to become workplace health and safety representatives. It was a great effort. That money was funded in part by the Federal Government. No funding at all came from the State Government.

Since this Government came to power, it has turned that situation around. Today, under the new auspices of Safe Work Queensland, funding is provided by the workplace health and safety organisation to Safe Work Queensland with a view to training employees in the workplace to become workplace health and safety representatives. I am pleased to say that equal funding is

applied to employers in order that they also may use that money to train and educate employers in workplace health and safety.

Over the past few years, Safe Work Queensland has had a very proud record of training not only hundreds but now thousands of worker representatives each year not only by way of classroom lectures but also by taking them out on site. Safe Work takes people out on site, shows them the pitfalls to look for and gives them the skills that they need to find ways of avoiding workplace injury. Of course, that is of vital importance. In addition, the Government and the trade union movement and, in fairness, a large number of employers, who have seen the wisdom of better workplace health and safety—

Mr Bredhauer: Responsible employers.

Mr NUTTALL: They are responsible employers. They will sit down with the trade union movement and negotiate a workplace health and safety agreement. The unions talk to the workers and the employers, because good employers see the benefit of that. There is great benefit in sitting down with the work force and saying, "We need an agreement with a view to reducing injury in the workplace." When injury in the workplace is reduced, there is better productivity for the employer. That is the spin-off for him. The employee also has a safer working environment, which is one of the most vital things that we need.

Linked to workplace safety is workplace rehabilitation. I want to focus a few more of my comments on workplace rehabilitation programs. The side effect of no workplace rehabilitation programs is that, when workers are injured, they do not know why they were so injured and they do not know how to recover from those injuries. The Government has put in place programs to assist those people. In 1991, the Workers Compensation Board of Queensland implemented a workplace rehabilitation program as an initiative to reduce the cost of workplace injury in the Queensland community in general.

The primary objective of the workplace rehabilitation program is to reduce the costs, both financially and socially, that are associated with injuries in the workplace. One component of the program has involved the development of a course by the Workers Compensation Board to train rehabilitation coordinators appointed in industry in the principles and processes of occupational rehabilitation. These courses have been developed in conjunction with TAFE colleges throughout the State and are offered free of

charge to employers and union representatives.

The program was introduced into regional areas of Queensland in June of 1991 with the appointment of 10 rehabilitation advisers to provide advice to industry and to coordinate training programs. The program was extended into the Brisbane metropolitan area in October of the same year. A further six rehabilitation advisers were employed to assist employers with the development of their in-house programs. Again, the Government does not focus only on workers; it focuses its attention also on employers.

The program provides the following benefits to employers: decreased average cost of claims; an increased merit bonus entitlement, as the member for Waterford has spelt out; reduced production time loss caused by workplace injury; and, of course, improved staff morale and improved productivity. But there are also benefits to workers: reduced pain and suffering; less disruption to family, social and working life; reduced likelihood of long-term disability; and reduced financial difficulties.

For that program to achieve its goals, it is essential that all Queensland employers demonstrate commitment to the principles of workplace rehabilitation. To date, the involvement of employers in that initiative has been encouraging. However, much is still to be achieved. As at 30 June of this year, 316 courses have been sponsored by the Workers Compensation Board of Queensland, with approximately 3 000 industry and union representatives having completed the program. This, of course, has resulted in just under 500 companies introducing their own workplace rehabilitation programs, which have received accreditation by the Workers Compensation Board.

Although the program is still in its relative infancy, results of the workplace rehabilitation program have indicated the positive results that might be achieved by industry through participation in this program. A reduction of that nature will have a significant effect on the merit bonus entitlement earned by companies in the future. At the macro level, one indicator of the success of the program is the extent to which injuries requiring time off work are reduced and transferred to medical expense claims only. That is achieved by employers actively managing claims and placing the injured workers in appropriate alternative duties.

In the twelve-month period from July of last year to June of this year the percentage

of claims requiring no time off work, but rather just payment for medical expenses, has increased from 25 per cent to just over 29 per cent, which emphasises the success of this program. From the figures I have provided, it is clear that the increased participation in the workplace rehabilitation program by the employers of Queensland will result in long-term reduction in the cost of workplace injuries. The Workers Compensation Board in South Brisbane has a rehabilitation program centre which has been established to assist with the rehabilitation of people by a number of means. There is a comprehensive assessment of the injured person. The board looks at conditioning programs to assist these people. It looks also at some sort of work assessment scheme and work trials. It endeavours to put those people back into the workplace so that they will be able to recover fully.

Mr Bennett: It is a very well-received program.

Mr NUTTALL: It is indeed. The board also has education classes on injury avoidance and management. There are classes held to show injured people how to avoid injuries in the future. All of this is pro-active.

Time expired.

Mr HORAN (Toowoomba South) (12.32 p.m.): In joining this debate on the disallowance motion, I would like to really concentrate on the aspect of employment. Throughout the debate today, reference has been made repeatedly to people. The most important thing to most employers is the security of their employees and the need to have talented and loyal employees. One of the problems that we are facing at the moment throughout our community is unemployment, particularly youth unemployment.

Probably one of the busiest areas that we deal with in my electorate office is workers' compensation. I take this opportunity to congratulate the staff at the Workers Compensation Board office in Toowoomba, who are courteous and of great assistance to us. It gives one a good feeling to be able to take people to that office and get some satisfaction for them when making a claim on their behalf. When all the taxes, costs and imposts that are placed on a business, particularly a small business, are considered, probably the one cost to which businessmen least object is workers' compensation, because at least they know where that money is going. They know that it is going to provide

security for their employees. I think they feel well disposed towards their long-term employees.

The important point to remember in this debate is the importance of small business and private business to the economy and to employment. In Toowoomba at the moment, we are considering running a youth summit to try to do something about the 30 per cent or more of unemployment levels. At times, it distresses me to see such levels of unemployment and to see all the various schemes that State and Federal Government devise to try to remedy this appalling situation.

At the other end of the scale we see businesses that can provide real jobs, fair dinkum jobs, struggling under all the various taxes, such as fuel taxes, payroll and prescribed payment taxes, portable long service leave, insurance costs and the increasing superannuation costs. All the time, they are trying to work within a recession and to recover from the high interest rates of the late 1980s and early 1990s which set so many businesses back so far. In fact, I often liken many small businesses to poor old Gunsynd trying to win the two-mile Melbourne Cup with 65 kilograms of lead in his saddlebag. So here we have businesses struggling to survive and suddenly——

Mrs Woodgate: He ran third.

Mr HORAN: He ran third; he did not win. Winning is the important thing in business. If we do not win, we go down the tube. Businesses are struggling to survive against all these odds, and suddenly this increase comes upon them in the form of this workers' compensation increase of an average of 13 per cent. It is obviously going to vary from about 5 per cent to 20 per cent or even higher.

The other important point is this 50 per cent merit bonus, which was mentioned by the previous speaker. He spoke about rehabilitation and how important it is for workplace health and safety procedures. This 50 per cent merit bonus, which was a great incentive for businesses to have safe procedures in place, is being reduced to 40 per cent.

There are two ways in which businesses are going to be affected. At times, no matter how well a business is run, no matter how safe it is, with a human work force, accidents do occur. Reducing that merit bonus can only set back a business even further.

Previous speakers have mentioned a 25 per cent increase to local authorities, which

have already been hit by the secret tax, the tax on their borrowings from the Queensland Treasury Corporation. Now they have this increase. When the variety of workers within local government is considered—ranging from clerks inside, to clerks outside, labourers outside, quarry workers, workers operating heavy machinery, workers on roads and in parks, workers using mowers, tree loppers, and so on—it will be seen that councils in particular are going to be faced with a massive increase under this workers' compensation increase.

Mr Foley: The local government outside workers' premiums will go up in the order of 25 per cent. For the local government clerical workers outside, there is no change, and the local government clerical and professional workers inside go up only 4.2 per cent.

Mr HORAN: The Minister has just confirmed that a substantial portion of the workers' compensation premiums for local government workers—and I think we would all agree that most local government workers are outside doing outside work—are going up by this 25 per cent. The payroll of the Toowoomba City Council is between \$16m and \$17m per annum. That council is just one among many that will have to meet a substantial increase in its workers' compensation premiums.

One of the most important contributions to this debate was that by the member for Barambah. He mentioned the need to consider all of the aspects which add to the cost of maintaining the workers' compensation scheme, including legal and other costs. All members of Parliament are concerned about unemployment, particularly youth unemployment. Every time additional charges are imposed on businesses, one thing inevitably occurs—they examine the ways in which they can cope with those increases. Should they increase the price for which goods are sold; can they increase the market share that they enjoy; or do they cut back their costs? I feel sure that this increase will force most businesses to examine the ways in which they shed costs.

Workers' compensation premiums are designed to provide security to workers who are injured so that they can return to their job and stay in the work force or, if an accident is very serious, so that they can provide for their families. However, increased premiums force businesses to shed costs and inevitably drive people out of jobs, and those jobs will never be created again.

These increases in workers' compensation premiums will increase the cost of the private hospital system. In turn, that will drive more people out of private health insurance and place an even larger burden on the public health system. At present, one of the problems facing this country is the number of people deserting the private health system. That places an incredible burden upon the public system.

I have endeavoured to point out the need to care properly for those who are the victims of unfortunate accidents at the workplace. However, I also want to put forward a very strong case for considering alternative funding in order to reduce these additional premiums of 13 per cent and, in some cases, up to 25 per cent. As I stated earlier, these increases will impact adversely on unemployment levels. The member for Waterford referred to the fact that no previous increases have occurred. However, if a business operator is suddenly slugged with a 13 per cent increase in the running costs of his or her business, some action to offset that increase must be taken, regardless of what has happened in previous financial years. Business operators must absorb that cost so that they do not start to run at a loss.

The fact that the increases are so significant indicates to me that adequate consideration has not been given to alternative means of absorbing these increases in workers' compensation premiums so that business operating costs can be kept low. Queensland was a low-tax State. Low taxes, costs and charges attracted people to our State. If those taxes, costs and charges increase one by one, it is harder for businesses to operate; the attractiveness of our State is decreased; and the ability of businesses to meet costs such as workers' compensation is decreased dramatically.

Mr WELFORD (Everton) (12.41 p.m.): I oppose the disallowance motion moved by the Opposition. All Government members realise that workers' compensation premiums add to the cost of running a business. We acknowledge that fact and sympathise with business operators. That is why to this date, notwithstanding the enormous demands on the workers' compensation scheme, this Government has managed to keep premiums at the lowest level in Australia by more than 13 per cent.

Mrs Sheldon interjected.

Mr WELFORD: I hear the squawking interjections from the Deputy Leader of the Coalition. It is very easy for her to criticise any

cost increases that this Government introduces. However, she offers not one decent suggestion as to the means by which the workers' compensation system could be run any more efficiently than it is. The only suggestion offered by members opposite is, "The Government should get the money from somewhere else." I challenge members opposite to tell me from where that money should be obtained. I challenge them to nominate services in their electorates which they are happy to dispose of or have cut back so that the Government can subsidise what is currently a self-supporting workers' compensation funding system with funds from other areas of the State Government Budget.

The previous speaker, the member for Toowoomba South, suggested that the Government should be looking for alternatives. As a member of the Minister's committee, I can assure the honourable member that we looked everywhere. We looked at all of the options. We looked at every possible alternative to try to minimise any cost increase in workers' compensation premiums. I appreciate the cost burden that this imposes upon small business and, I think more significantly, on some larger businesses, particularly in a time of recession. But the simple fact remains that the worker's compensation system must be funded in one of two ways. The first is a self-supporting system, as it is now and has been for many years. In its present form, it operates as the most efficient workers' compensation system in Australia. The second option is to top-up the premiums that the board receives with a subsidy from the general Budget of the Government.

No member of the Opposition has suggested which of those two courses we should adopt. However, as they claim that, notwithstanding the increased costs of providing workers' compensation, premiums should not be increased, by inference they are suggesting that we should cut other budget allocations from the general Budget to subsidise the operations of the Workers Compensation Board. I suggest that, if the Workers Compensation Board was run in that manner, at the very least we would be on the slippery path to bad management of the system.

I turn to local government issues. In the past couple of days, local government leaders and the Local Government Association have expressed concern about the increased cost of workers' compensation to Queensland's 134 local authorities. It is true that the average increase in premiums for Queensland local

authorities expected as a result of this regulation will be in the vicinity of 24 per cent or 25 per cent. It is an increase to councils from approximately \$3.66 for every \$100 of payroll annually to \$4.57 out of every \$100 of payroll. In 1992-93, local councils paid a total of approximately \$16m in workers' compensation premiums to the board. In 1993-94, that is expected to increase, not entirely because of the increases in the premiums that the Government is charging but also because of increases in payrolls, to \$19.987m—nearly \$20m of workers' compensation premiums. As a result of that contribution, they receive full insurance to cover the work-related injuries and illnesses of their workers.

Queensland's workers' compensation system provides the most secure insurance system for workers' injuries and illnesses of any private or public sector insurance system anywhere in Australia. That is a security that local authorities, along with all other contributors, enjoy. The point that I made before is that, notwithstanding those increases, those premiums still remain at least 12 per cent lower than those in the next cheapest State, New South Wales. In terms of the rate at which premiums are struck and levied, Queensland's premiums are still at least one-eighth lower than premiums in any other State in Australia. As well, Queensland has the security of knowing that in contrast to other States that have premiums rising at a much faster rate than those in Queensland, it has not had an increase since 1984.

Mr Connor: That is not true. Victoria's just went down.

Mr WELFORD: Victoria's went down because its Workcare scheme collapsed. However, that State's premiums will now increase at a much faster rate than those in Queensland. The reason for that is that Queensland's scheme is one of the few fully funded schemes anywhere in Australia. Ultimately, any State that does not have a fully funded scheme will have to increase its premiums at a faster rate than those in Queensland, because it will be under much more pressure to make its scheme fully funded.

Over time, many benefits will accrue to those employees who are contributing to the Queensland scheme. In common with any insurer, the board sets its bonuses under a merit bonus system based on the claims performance of its customers. There are many incentives and mechanisms within Queensland's system that gives local

authorities and other employers the opportunity to minimise the impact of those increases. Not least of all, they have the opportunity to work harder by way of rehabilitation and workplace health and safety programs to reduce the level of their claims.

Councils, by and large, are getting value for their money. For example, in the 1991-92 year, Queensland's local authorities received merit bonuses of approximately \$2.5m. That reduced their premium payments to approximately \$13.5m for that year. In the same financial year, the board estimates that for injuries and illnesses occurring in that year, ultimately it will pay out approximately \$13.5m—the same as the premiums. In other words, in respect of the 1991-92 year, the councils are receiving from the Government full reimbursement for their workplace illnesses and injuries without any administration charge and without any of the costs that are inherent in running the workers' compensation system. That is not a bad deal, and it is a better deal than they will get from any private sector-operated system. The simple fact of the matter is that councils will probably have to take a more hard-nosed approach to the financial realities of this issue.

For example, in the 1992-93 year, the Perry Shire Council in the Wide Bay/Burnett region paid a premium of \$6,287 based on a payroll of about a quarter of a million dollars. By limiting its claims, it managed to earn a merit bonus of more than \$1,000 out of that amount. In 1993-94, that council will pay premiums of approximately \$7,800, but if it is able to maintain its fine performance, the board expects to be able to return to the council a merit bonus of more than \$1,500—a discount of 20 per cent for 1993-94. Other local authorities, including the Brisbane City Council, could well take a leaf out of the book of the Perry Shire. Opportunities exist through that merit bonus system, and also through the very valuable workplace health and safety and rehabilitation programs—which, I might say, the board funds in addition—to roughly equal payment of compensation claims from local authorities compared to the premiums that they pay.

The global position in relation to local authorities is not anywhere near as bad as some local authorities and the Local Government Association are indicating. The reality is that, on the current claims basis, local authorities are being reimbursed the full compensation component of their premiums. In other words, for every dollar of premium imposed, they are receiving compensation claims for their workers to the full dollar

amount. On top of that, the board is providing workplace health and safety programs, rehabilitation programs and the opportunity to earn merit bonus claims. I acknowledge the comment that was made by the member for Toowoomba North about the reduction in the level of the merit bonus that might be available, but the fact is that there is opportunity and incentive for councils to do a good job on this front, and they ought to be working on it.

Mr LAMING (Mooloolah) (12.50 p.m.): I rise to support wholeheartedly this disallowance motion, and to support all the remarks that have been made from this side of the House. I will work through some of the remarks that have come from both sides. Firstly, my honourable colleague the member for Caloundra, the Leader of the Liberal Party, mentioned the impact of the change in the merit rebate from 50 per cent to 40 per cent, and gave some examples of how this will, in fact, increase the costs to councils. She gave some graphic examples of what it will mean in monetary terms. I would like to hear the Minister respond to what the honourable member said about those increases in costs, because in these times when it is very tight in business, it is equally tight in councils, which have to operate just as private enterprise does and make up the difference. If they are in the red, the ratepayers—the ordinary people of Queensland—must pay higher rates.

The honourable member mentioned Caloundra City, and stated that these increases could cause the loss of some jobs in that city council. If I heard him correctly, the Minister interjected about the Jobs Plan and said that a certain amount of money was being spent on the Jobs Plan in Caloundra City. I believe that I heard him say that more money was spent in Caloundra than in any other area, or words to that effect.

Mr Foley: Some of the surrounding areas.

Mr LAMING: I will accept that. The point is that I do not believe that this in the interests of real jobs. I refer to the comments of the honourable member for Toowoomba South, who spoke about real jobs. It is rather pointless to say that the Jobs Plan brings cash into an area when, to find that money, the Government increases workers' compensation rates at the cost of real jobs in other areas. I do not regard that as a very good manoeuvre in job creation in Queensland.

In another interjection, I believe that the Minister refuted the overall increase in workers' compensation costs to employers. I believe

that at one stage he said "thirteen and a half per cent", and on another occasion he said "twelve and a half". I ask him to confirm that figure.

Mr FOLEY: No, thirteen and a half per cent, on average.

Mr LAMING: I accept that. If this figure is correct, and when the inflation rate is much less than that, I ask: what sort of incentive to safety is there in increasing costs by any amount in any sector of a person's business?

The member for Waterford reflected on Queensland having the lowest premiums in Australia. This is something to be proud of. It probably has a lot to do with how the fund has been running over a long period and how funds have been operating over the past 10 years or so in the southern States, where semi-government endeavours got completely out of hand. Queensland should retain its position of having the lowest premiums in Australia, and not follow the example of those southern States.

This morning, in answer to a question from the Government Whip, the Premier spoke about how much spending has been done and what a great Government we have in Queensland, because spending has increased. I contend that the Government's performance should not be related to how much money it spends, but to how much service it provides for the people of Queensland.

The member for Waterford also referred to how we cannot interfere because of the division of powers. I suppose that he meant the separation of powers. I do not subscribe to this. I believe that it is the role of the Legislature to dictate how things are done and what payments are made. It is up to the judiciary to work out whether people are innocent or guilty.

The member for Everton said that the only way in which we could fund this increase was to cut other services. That is all that this Government thinks about—cutting services, instead of increasing employment and business. That is the fundamental difference between members on that side of the House and members on this side of the House. The Opposition believes in increasing business and, therefore, jobs—not cutting services. All we have heard about this week is cutting services.

Government members interjected.

Mr LAMING: I notice that those members who are interjecting are not on the list of speakers for this debate. I must be getting

close to the bone, because the interjections are coming thick and fast.

I refer now to a document that was given to me and which I now ask my colleague Mr Davidson to table on my behalf. The document, which refers to audit documentation for the Workers Compensation Board of Queensland, is over the signature of J. R. Hastie. It refers to the documentation that officers from the Workers Compensation Board may ask an employer to furnish. It includes things such as group certificates, group employer reconciliation statements, wages books and records. I see no problem with that. But I ask honourable members to listen to this: it also asks for profit and loss accounts. I would like the Minister to explain this to me during his reply.

With reference to the audit of wages declarations—the document states that the audit documentation "may" include these documents. I would like to know whether it is "may" or "will" or "shall". A greengrocer on the Sunshine Coast gave me this document last week. He was most offended that he would have to show his profit and loss account to anybody from a Government department. It is bad enough that the Taxation Department has to have it. But for the purposes of workers' compensation, it is a disgrace.

I ask: when jobs are lost because costs to employers are increased, who will compensate the unemployed if they are hurt while engaged in their non-work activities because they do not have a job? It gets back to fundamentals. The more people who are employed, the more people are covered by workers' compensation.

Ms Power: Medicare will cover it.

Mr LAMING: Medicare will cover it! Who pays for Medicare? The few poor, hapless employers who are left in business, and the few employees who are left with a job. The few businesses that are still in business after all these cost increases will have to fork out again.

Mr Foley: The question was: is the power about obtaining audit documentation expressed as "may", "will" or "shall"? I can inform you that the document expresses itself as "may". The audit documentation "may include"—it refers to the exercise of power under section 4.16 of the Workers Compensation Act.

Mr LAMING: I thank the Minister for the answer to that question.

Mr Foley: This is the document.

Mr LAMING: Yes. In other words, if people in small business are asked to furnish their profit and loss account, they have to provide it?

Mr Foley: We will look up the terms of section 4.16. You will be fully informed of the provisions of the legislation.

Mr LAMING: I ask the Minister to seek the advice of his advisers and inform me in his reply. I reiterate: I wholeheartedly support this disallowance motion.

Sitting suspended from 1.01 to 2.30 p.m.

Mr ROBERTSON (Sunnybank) (2.30 p.m.): It is with pleasure that I rise to oppose the disallowance motion. In so doing, I wish to highlight that section of the debate that pertains principally to the arguments that have been put forward by the Opposition regarding the effect that workers' compensation premiums would have on rural industry. The member for Barambah and his colleague the member for Toowoomba South, and even the member for Nerang, have criticised the workers' compensation premium rate increases which rural producers will pay in 1993-94.

Mr T. B. Sullivan: The member for Nerang hasn't got one thing right yet.

Mr ROBERTSON: What is more, he is not even in the Chamber at the moment. I beg his pardon—he is not in his usual seat. Mr Connor claimed that farming had been hit with an unfair workers' compensation increase of 25 per cent. The Opposition's further claim that the changes are somehow related to the presence of a unionised work force is both outrageous and incorrect.

Mrs Edmond: Another bit of union bashing.

Mr ROBERTSON: It represents another case of union bashing by Opposition members. The increases that are part of the workers' compensation regulations are in fact related to the cost of injuries and illness within that industry sector. Later, I will deal in more detail with that aspect. I state clearly that the increase in premiums that was announced on 24 May this year was based on a longstanding administrative formula for setting premium rates which has been in place in this State for at least 15 years, and possibly even 30 years. I wonder if Opposition members are suggesting that their own colleagues who were in conservative Governments prior to 1989 came up with this formula 30 years ago to target rural producers?

Mr FitzGerald: The formula was changed a couple of years ago to group them into

groups. You must know that. The formula has been changed.

Mr ROBERTSON: There is no recognition from the opposite side of the House about the fact that, when they were in Government in 1975, they increased premiums by 25 per cent. They criticise us, yet in 1990 we reduced premiums by 4 per cent.

The public record shows clearly that the premium rate increase followed a three-yearly review of workers' compensation premiums by the Workers Compensation Board. The purpose of the rate review is to implement and maintain equitable premium rates so that industries incurring higher claims costs pay an increased premium rate, and industries with declining claims ratios benefit from reduced rates. As the Deputy Leader of the Opposition pointed out earlier, premium changes will average 13.5 per cent, but they will vary across individual industry sectors depending on cost of injury and illness claims in each industry sector. On that point she is correct, but I find the whole approach by the Opposition towards workers' compensation defies logic. If one followed what Opposition members have been saying, one would understand that they see workers' compensation purely as a tax on the employer. It is not seen for what it actually is, that is, a means of protecting workers who are unfortunately injured during work, to provide them with a level of income while they recover from the injury.

Mr Budd: You are an uncaring, unfeeling Opposition.

Mr ROBERTSON: It demonstrates, as the member for Redlands just pointed out, a lack of compassion for workers by the Opposition and a complete lack of understanding about the role of workers' compensation. A number of Opposition speakers have highlighted that the increase in the premiums is some kind of impost on employers—but, as they have done in previous debates, whether it be health, education or prostitution, they do not come up with an alternative. They do not have a policy of their own. What would they do if they were in charge of workers' compensation, given that they claim to represent the interests of employers? Would they reduce benefits to workers? Perhaps they would reduce the grants from the workers' compensation fund that the Workers Compensation Board gives to public hospitals, which last was year \$4m? Perhaps they would reduce the contribution to the Mines Rescue Brigade, which was \$620,000? Or perhaps for the benefit of the

National Party members they would reduce the grants to the Royal Flying Doctor Service?

Mr Foley: Surely not!

Mr ROBERTSON: Nothing would surprise me. Unfortunately, probably none of the members on the other side of the House have read last year's annual report of the Workers Compensation Board which outlines those grants. In claiming to represent employers, Opposition members also forget that the Workers Compensation Board is a tripartite body. The employers' representative on that board has ties to both the Queensland Confederation of Industry and the United Graziers Association. Surely that person would be in the best position, more so than Opposition members, to represent the industry sectors that the QCI and the UGA represent. Clearly, they ignore that.

Let us look at what the UGA had to say about workers' compensation. I get back to the point I made about the level of premiums reflecting the level of safety and injuries in industry. In an article that appeared in *Queensland Country Life* last week, Mr John McCormack from the United Graziers Association commented on the issue that we are debating today. He stated—

"Workers compensation premiums for the sheep, cattle and shearing industry increased by 24-25 pc from July 1. These increases reflect the high claim record for the industry. In the shearing industry, for example, the ratio of claims to premiums over the past three years has been 124 pc."

He stated further—

"The need for improved farm safety is, therefore, obvious. Not only has it the potential to reduce the grief and pain arising from fatalities, serious accidents and resultant financial distress, but improved safety may also assist in reducing workers' compensation premiums, and improving over-all farm productivity and profitability."

That is the voice of rural Queensland in regard to workers' compensation premiums. It is in stark contrast to the hysterical, uninformed, asinine remarks that we have heard today during this debate.

Mr Budd: Probably because not many members of the National Party live out west. Most of them live on the coast somewhere.

Mr ROBERTSON: I do not know that to be a fact. Nevertheless, those are the comments that were made by a

representative of the United Graziers Association.

We should also look at the record of the Goss Government which, over the last three years, has taken active measures to insist on the creation of a much safer workplace environment in our rural communities. Since 1989, a total of nine Queensland Farmsafe groups have been established at Dalby, Burdekin, Gympie, Kingaroy, Innisfail, Malanda, Oakey, Bundaberg and Stanthorpe. I could go through a whole list of grants and forms of assistance to rural industry that have been funded by the Workers Compensation Board over that period.

Mr Foley: Would it surprise you to know that the National Party actually opposed workplace health and safety legislation being applied to rural industry?

Mr ROBERTSON: It would not surprise me, but it would certainly be in line with the long-term record of the National Party in relation to these matters.

Time expired.

Miss SIMPSON (Maroochydore) (2.40 p.m.): There is no workers' compensation for the unemployed, and these increases in the on-costs for those who are employing the vast majority of Queenslanders are of concern. The result of that sort of pressure being put on small businesses will be more unemployment, at a time when we already face an unemployment rate of well over 10 per cent.

To hear the former secretary of the Trades and Labor Council tell Parliament that he is really the employers' friend surprises me a little, particularly when his mates are not only increasing costs in the area of workers' compensation but also adding a lot of other on-costs to business. Portable long service leave and, certainly at the Federal level, the superannuation guarantee levy and the training levy have a cumulative effect. The people who are really copping it as a result of the cumulative effect of these on-costs—and the Government is not really addressing the reasons why these costs are blowing out—are the people who comprise the 61 per cent of the labour force employed by small businesses. The vast majority of businesses—which are small businesses—have the ability to employ more people, if only Governments would get off their back.

Workers' compensation is very necessary, and for many, many years the workers' compensation scheme in Queensland operated very successfully under

National/Liberal coalition Governments and conservative Governments. What concerns me is that this Government is going down the same track as Victoria. In the end, the scheme in that State actually buckled under. At the moment, what do we have? We have a Government that has overseen a 30 per cent increase in the cost of claims, yet there has been a 10 per cent decrease in the number of injuries.

As I have said, the workers' compensation scheme is a very necessary scheme. However, I think we should be looking at the very reason why these costs have increased to such an extent. The main point is that the Government is forcing these large increases and imposts upon small businesses and the farming community, which have the capacity to employ more people. These increases, on top of all the other increases under this Labor Government, will be the straw that breaks the camel's back. There will no longer be a need for workers' compensation, because unemployed people do not claim workers' compensation.

Mr FITZGERALD (Lockyer) (2.43 p.m.): In rising to join the debate on this disallowance motion at short notice, I wish to correct a proposition that was put forward by the honourable member for Sunnybank, who attempted to indicate to the House that the National Party was opposed to safety in the workplace in rural areas. Nothing could be further from the truth. It is true, as the Honourable Minister indicated, that legislation was passed by this Parliament to extend the provisions of the Workplace Health and Safety Act to rural areas.

Mr Beattie: And did you oppose it?

Mr FITZGERALD: It is true that I did oppose it. I would like the member for Brisbane Central, Mr Beattie, to ask the Minister what steps he has taken to implement the provisions of that Act. Has he implemented the provisions of that Act in rural areas? How many prosecutions has he launched? Has he come to some decision not to implement the force of the Act or to use the full force of the law within that Act in rural areas? I understand, from speaking with people in rural industries, that the Minister has said that it is very difficult to implement the provisions of that Act in rural areas, that it is becoming a major problem, and that he will not send inspectors onto farms unless they have been invited. Is that true of other workplaces? I believe that it is very difficult to administer the Act in those areas.

Much has to be done to educate people in regard to workplace health and safety issues. I support education totally and I believe that safety should be a top priority in all industries. There can be no doubt that all honourable members of this Parliament support workplace safety. However, I would like to see the justification for the increase in premiums that has occurred. I would like to know whether the example cited by previous Opposition speakers in regard to painters—for example, a painter who employs four people on an average salary of \$25,000 a year—is correct, and whether they will have to pay a 50 per cent increase in workers' compensation premiums.

Mr Foley: You are wrong.

Mr FITZGERALD: I am seeking an explanation. I understand that that is the case if no-claim bonuses are reduced. Employers do not mind paying workers' compensation if they are getting value for money, so there will always be a need to keep the premiums to a minimum. I know that employers find it difficult to meet the premiums, but, both in Government and in Opposition, I have supported workers' compensation.

It is a fact of life that if people employ a worker, he or she should be insured against injury that may be suffered at the place of work, or when going to and from work. However, the premiums must be justified, and I ask the Minister to inform me whether an audit took place to arrive at the premium rate. Earlier, the member for Sunnybank said that the formula had not been changed in nearly 30 years, but I know that it has been changed, and that there have been groupings. The formula has been changed quite a deal, and I agree that it had to change because if a big claim was made on a very small industry, that would put the industry right out of kilter with the usual category of risk, and it would result in an impost on that industry. I think that it was quite sensible to make the groupings larger.

A matter of concern with regard to workers' compensation is the degree of rotting that goes on from time to time. I am sure that all honourable members are concerned about that problem in, for example, the meat industry. I have spoken to slaughtermen who have told me that if a person happens to have an elbow problem, he goes to a friendly doctor. Those practices must be stopped. Fraud should be prosecuted so that employers do not increase the cost of compensation payments for the rest of their industry. It is true that, in many small

businesses, workers are very conscious of the fact that they are missing work. They try to get back to work and often do not make claims under the Workers' Compensation Act as early as they should, preferring instead to be fixed up and go back to work as soon as possible. I commend them for their loyalty to small business and to their bosses as those actions are not always in their own best interests.

Time expired.

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (2.48 p.m.), in reply: One of the proudest achievements of the T. J. Ryan Labor Government was the introduction into this State of workers' compensation. To this day, the workers' compensation system in Queensland is the envy of all Australian States and Territories. I shall deal with a number of the points that have been made during the course of the debate today, but let me put this debate into context.

Let us remember that the workers' compensation premiums in Queensland are the lowest in Queensland by a country mile. In Queensland, the workers' compensation scheme has all of its liabilities fully funded. This puts the lie to the claim that somehow the path being followed in Queensland is the Victorian path. Far from it! The Queensland scheme is based upon full funding. I urge honourable members to also keep in mind when they consider the workers' compensation scheme in Queensland that this scheme still proudly retains the full entitlement of ordinary workers to sue at common law when they have been injured as the result of the negligence of an employer. These basic common law rights which one might think would have been trumpeted from the so-called conservative parties—I emphasise "common law rights"—have in fact been eroded in most other Australian jurisdictions; yet in Queensland, full common law entitlements are retained. That has been done against a background of considerable discipline, including a schedule of statutory benefits that are considerably lower than those applying in other States.

Complaint is made as to the actions in 1990 taken under my illustrious predecessor, the Honourable Nev Warburton, whereby the premium rate was reduced by 4 per cent and statutory benefits increased by 20 per cent. I make no apology for the decision made on behalf of the Government for increased statutory benefits which ensure that one has proper compensation for persons who are injured in the workplace. The facts are that the

increase which was authorised is an average of 13.5 per cent. It varies according to particular industries, and those industries vary according to their claims records. I am advised by the Workers Compensation Board that that has been done in accordance with a formula that has not changed for many, many years. Indeed, this is the first increase since 1984. Under this Government, in 1990 there was actually a reduction in the cost of premiums by 4 per cent.

Mr FitzGerald: What about no-claim bonuses?

Mr FOLEY: The honourable member asked earlier for an explanation, and I will give it to him. Since 1990, a number of factors have impacted adversely on the workers' compensation fund. They include two years of negative assessed premium growth in 1990-91 and 1991-92 resulting from a downturn in the economy. Wages growth is occurring in the low-premium rate sectors of the economy, for example, in the service industries, but wages growth in the higher premium rate sectors, for example, the building construction and manufacturing industry, continues to be slow, resulting in income reduction to the board of approximately \$35m per annum, or \$100m over three years. That is one important factor. One other important factor is an increase in the total claims payments during the same period, rising from \$220m in 1990-91 to \$270m in 1991-92, and payments for 1992-93 will be approximately \$284m.

What does one do as a prudent insurer? The options that were discussed and considered by the board and subsequently by the Government have entailed a very disciplined approach, which involves the containing of costs on the one hand and, importantly, the prevention of injury on the other. That appears to have escaped some honourable members in their contributions to the debate.

Let me deal with some of the points made during the course of the debate. The batting was opened by the member for Caloundra, who complained that this was the second secret tax. To use her words, it was quietly dropped on Wednesday. Mrs Sheldon has given a whole new dimension to the meaning of the word "secret". This was published in the *Courier-Mail* and released in a public press conference back in May. It was advertised in the *Queensland Government Gazette* on 18 June. It was advertised again in the *Queensland Government Industrial Gazette* a week later. What on earth are members opposite reading? Or are they not

reading anything at all? What an absurd proposition.

Complaints were made by the member for Caloundra about the transfer of funds to the Workplace Health and Safety Division in order to prevent injury. Let me make several points. Firstly, one would have thought that it would have been in the interests of all people concerned with the matter—employers and employees alike—to prevent injury in the first place and thereby reduce the necessity for the paying out of compensation. That is a wise policy—a wise policy which was commenced, I might add, by the National Party Government during its term of office, and I give it due credit for that.

Complaint was made with respect to the concerns of local government. The simple fact of the matter is that, with regard to local government, many of the employees in that area are employed in areas where there is a high cost as a result of injuries, for example, sewerage and water supply workers, labouring personnel, road workers and so on. That increase has been up at the higher level, a level which was capped at 25 per cent. That increase was in the order of 24.8 per cent. Some of the other workers in local government, for example, clerical and managerial workers employed in the office such as clerks and council office personnel, have had a change of an increase of only 4.2 per cent. For clerical and managerial workers employed outside the office, such as health surveyors, engineers and supervisors, there has been no change at all. The honourable member referred to the alleged 50 per cent increase, and again we see the problem that the honourable member had with the figures in the Attorney-General's Department, that is, the problem of failing to get the basic facts right. I shall deal with that in discussing the contribution of the member for Nerang.

The contribution of Mr Perrett, the member for Barambah, included an important contribution, albeit a little disguised by some rhetorical flourishes. He did make an important point and I pay tribute to the honourable member for Barambah. One of the important things that the Government must do is to contain legal costs. We must ensure that, when we deliver payments to people by way of compensation, those payments are delivered to the injured workers and that the Government contains, as far as is humanly possible, the costs involved in court proceedings and in attendant reports of experts and of counsel and solicitors appearing. That is a most important point, and this Government has acted to seek to do that.

Indeed, this very day, legislation was introduced into the House in order to increase the jurisdiction of the Magistrates Court to deal with matters such as this from \$20,000 to \$40,000. One does not have to be a legal expert to appreciate that the cost of bringing proceedings in the Magistrates Court is considerably cheaper than the cost of bringing proceedings in the District Court. That important initiative is one of a range of initiatives that are being taken.

The honourable member for Waterford made an important contribution to the debate. He stressed that the premiums were the lowest in Australia and that the scheme was fully funded. The honourable gentleman speaks with considerable depth of knowledge and experience in that area.

The honourable member for Nerang, Mr Connor, asserted that small businesses pay more to enable large businesses to pay less. That follows up on a press release, which he put out earlier this week, implying that the matter had something to do with whether workplaces were unionised. That, of course, is another furphy. Let me put that to rest. For example, far from small businesses paying more, a number of small businesses are paying less. The premiums of real estate agents, for example, have been reduced by 4 per cent having regard to their claims record. The premiums of medical practitioners have been left at the same level, having regard to their claims record. The premium levels of veterinarians, for example, have been reduced by 4 per cent. That should be kept in mind.

Complaint was made of the transfer of funds to the Workplace Health and Safety Division and the embarrassing gaffe that the honourable member made earlier last year with respect to Safework Queensland, which he insisted on repeating. The simple fact of the matter is that the Workplace Health and Safety Division has a Workplace Health and Safety Council, which is a tripartite body of employers, employees and Government. It distributes funds for the training of workplace health and safety representatives and workplace health and safety officers. That funding is distributed in equal amounts to employees' representatives and employers' representatives. It is distributed for a very good reason, namely, to prevent accidents.

I thought the most novel contribution to the whole debate was the honourable member's suggestion that the Goss Government is a captive of the union movement. I urge Mr Connor to explain that to

Mary Kelly and Laurie Gillespie, and I wish him all the luck in the world.

As for the figures upon which the member for Nerang and the member for Caloundra relied for their extraordinary assertion that this increase will cost small business 50 per cent more—again, they have got their sums wrong. They quote a figure comparing a 1992-93 situation with a 1993-94 situation and, based on those figures, they come up with a 50 per cent increase. But they made a mistake! The mistake they made was that they wrongly attributed the merit bonus at a level which was last operating in 1990-91, and was distributed in the fiscal year 1991-92. They applied that to the situation in 1992-93. They used the figure of 50 per cent instead of 40 per cent to compare the position in 1992-93 with the position in 1993-94. In other words, they are all living in the past. They are using out-of-date and incorrect figures to create a false analogy—a false comparison.

Let me explain the merit bonus in terms that even the honourable member for Nerang will understand. The last merit bonus at 50 per cent was in 1990-91 and it was distributed in 1991-92. The assessment of merit bonus in 1991-92, which was distributed in 1992-93, was at 40 per cent. So instead of the sum of \$1,890 being deducted in the example tabled in the House by the honourable member, that figure is in fact \$1,512. The net effect of it is that the increase in the example that they mentioned, namely that of a painter or signwriter with four employees, is in the order of 25 per cent, because they have selected an example up at the top end of the capped range.

The contribution of the honourable member for Sandgate, Mr Nuttall, was an important and useful one. He again stressed the role of accident prevention and workplace rehabilitation.

There was a serious contribution to the debate from the honourable member for Toowoomba South, Mr Horan, and he again stressed the need to look at and to reduce costs. I can inform the honourable member and the House that the Government has looked very closely at costs and has taken a number of measures to contain them. They include the increasing of the jurisdiction of the Magistrates Court from \$20,000 to \$40,000, a reference to the Law Reform Commission to examine whether superannuation payments can be taken into account in Lord Campbell's Act cases, that is, actions for wrongful death.

The Law Reform Commission has also been given a reference on the method of

assessment of the quantum of gratuitous care allowances provided for under the High Court decision in *Griffiths v. Kerkemeyer* and changed in the recent decision of *Van Gurven v. Fenton*. That has been done in conjunction with the decision to amend the provisions introduced in 1987 which shoved all responsibility for work related motor vehicle accidents out of the Motor Vehicle Insurance Act into the Workers' Compensation Act.

That considerably increased the costs to workers' compensation, but that will be redressed through a more equitable sharing of that responsibility so that costs in the case of loading and unloading vehicles and other stationary accidents will still be borne by workers' compensation, but other costs will be borne in the normal way pursuant to the Motor Vehicles Insurance Act.

Furthermore, action is being taken by the Attorney-General and me to come back with a series of procedural reforms designed to reduce legal costs. In addition to that, Cabinet made a decision to provide for budget supplementation to the Workplace Health and Safety Division of an extra \$6m in order to ease the burden in this area. Work proceeds apace in workplace rehabilitation to bring down the costs involved in each claim.

The honourable member for Everton, Mr Welford, pointed out quite correctly that merit bonuses are based on claims performance. The honourable member for Mooloolah drew attention to a notice under section 4.16 of the Workers' Compensation Act which makes provision for the giving of a notice. The source of that power relates to documents in the recipient's custody or control relating to employment by the recipient of any worker or workers, and that is relevant to the issue of compliance. If the honourable member considers that that is drawn in terms that are too broad, I would welcome the honourable member's discussion on the point. But, to date, that has been a power which has been exercised in a relevant and proper way.

The irony of the National Party in this debate is that it actually opposes the operation of workplace health and safety legislation in the rural sector, and yet workplace activities in that area are being carried on by industry. It just shows how out of touch the National Party is with the bush and how little it cares about the welfare of rural workers.

The key point in this debate is that, at the end of the day, Queensland retains the lowest workers' compensation premiums in Australia;

the fund is fully funded; and we retain not only statutory benefits for workers but have also been able to date to retain full entitlement to common law, at a time when that has been abandoned in other States. That is indeed a proud record. It is one about which Queensland should hold its head high.

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

AYES, 29—Beanland, Borbidge, Connor, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Littleproud, McCauley, Mitchell, Perrett, Quinn, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson
Tellers: Springborg, Laming

NOES, 46—Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Power, Purcell, Pyke, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Welford, Wells, Woodgate
Tellers: Livingstone, Pitt

Resolved in the **negative**.

PENALTIES AND SENTENCES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 15 July (see p. 3660).

Mr GRICE (Broadwater) (3.16 p.m.): Mr Speaker—

Mr Beattie: Vroom, vroom!

Mr GRICE: Mr Speaker, Government members persist in making those bad car noises. This legislation covers issues which have considerable importance for all Queenslanders. As all honourable members are aware, the Opposition is in broad agreement with the changes proposed by this legislation. Having said that, I want to place on record that I believe that the tactics adopted by the Labor Government attack the problem from the wrong end. This legislation covers what happens to offenders once they have made their way through the justice system. However, it does nothing about ensuring that those people do not come into contact with the justice system in the first place.

One of the most basic problems of life in the new Queensland is the massive deterioration in law and order. No man, woman or child can be confident of his or her personal safety. No-one can be confident about the security of his or her private property. By the start of the Goss Government's second term, not one child in

Queensland could confidently expect to find his or her school intact come Monday morning. For many, all that remained was a smoking ruin and a local gang sniggering at the police because they knew that they would never pay the price for what they had done.

We can talk all we like about fine options and all the rest, but that does not do anything to ensure that the crime rate decreases. We should be making penalties fit the crimes and making crime an unattractive option. As a starting point, we must provide proper conditions for crime prevention. If that does not work, we must give the police the resources they need to detect offenders and to get them before the courts with a reasonable chance of obtaining a conviction. Only then will the provisions of legislation such as this come into play.

I am not talking about a minor problem or one that will go away if it is ignored for long enough. Honourable members should not take only my word about the crime problem that exists on the Gold Coast. They should pay heed to comments made in today's edition of the *Gold Coast Bulletin* by Laurie Pointing, the local police chief. His comments appear on the front page and also on page 2. Mr Pointing was appointed by the Labor Government as an assistant commissioner. In that article, he was talking about the high rate of serious crime on the Gold Coast and he stated—

“ ‘And we are certainly not on top of it.’

Mr Pointing said the crime rate was an indictment on society and the state's criminal justice system was working against police in their fight to reduce that rate.

‘Every day of the week you can read the newspaper and there are armed hold-ups and serious crime, rapes, assaults and robberies.’ ”

Those comments were made by the man in charge of the Gold Coast police region, but the jokers opposite cannot take them seriously.

Yesterday, the member for Everton—who is a strange mixture of naive pomposity—attacked the members for Maroochydore and Burleigh because, he alleged, they were highlighting only the “odd crime”, as though only one crime happens every now and then. The assistant commissioner appointed by the Government had some further comments to make. He stated that crime is on the increase.

It is as simple as that. The fact is that a man's home is no longer his castle; it is his fortress. It is under siege day and night from people who know that they have a good chance of escaping unpunished, escaping with little punishment or escaping altogether. Whatever the Government might say, the police still cannot put enough officers on the ground where they are needed. Certainly, the police have facilities, but not enough. Even these facilities cannot be fully utilised as long as the Labor Government starves the force of enough trained and available people.

There is a very good example of this to be found in my own electorate of Broadwater. The National Party Government planned and built the new Runaway Bay Police Station. It has all the facilities for a 24-hour operation. After three and a half years of Labor rule, there is still no sign that police at Runaway Bay will be able to offer the full-time service that they want to give. That is a service that the people of Runaway Bay demand, and they have that right. We can talk about all the sentencing options as much as we like, but if police have neither the facilities nor the manpower to catch the offenders, the courts and a possible consequence of court action, sentencing, become totally irrelevant. When people realise that, they will offend as much as they like. That is the bottom line in crime and punishment.

This Government is still encouraging people to commit crimes, and the people of my electorate and all other parts of this State are being exposed to loss and danger. Just remember that the personal opinions that Opposition members have are not very important on the big scale, the personal opinions of Government members are not very important on the big scale, and the Minister's opinions are not very important. The opinions that are important are those of the people of Queensland, who are telling us that it is dangerous out there. They are telling us that the police do not have enough facilities. It is undeniable. Even those seat-warmers on the Government side of the House must realise that. They must see it in their own electorates. I see it in mine, and I see it every day.

Mothers have to take their kids to school and pick them up afterwards. People have to put up high fences, buy expensive alarms systems to warn them of intruders, and the bigger dogs people have, the better. A growing number of families and older people who live alone live behind bars. Members would have seen that for themselves when they were doorknocking for the last election,

and they would have seen that people have to unlock padlocks and chains to open their doors. People are frightened. They live in fortresses because they believe that they have no choice.

Many owners of business premises, shops and factories in Broadwater have had to spend fortunes on security guards and alarm systems. They, too, have no choice: if they do not spend the money to protect their businesses, they can expect break-ins, vandalism, arson—a whole range of property damage. If they do not spend money protecting their homes, they can expect intruders, bashings, rapes and so on. The reason people do not have a choice is that the police can no longer cope. There is simply not enough police.

The Gold Coast is desperately short of police—the line is just too thin. I will return to this article in the *Gold Coast Bulletin* in which Laurie Pointing stated that an immediate injection of 100 police was needed urgently on the Gold Coast. He stated—

“Unless we do have an injection of human resources into this region, in five years time we're going to be in a very, very serious position in relation to crime.”

They were the words of one of the best and most experienced police officers in this State. He stated further—

“When we see chemist shops, corner stores and service stations held up and robbed on a nightly basis, the day will come when the public will stand up en masse and demand action, more action.”

Our police are run off their feet. They are forced to work the wrong hours, because the miserable budget this Government gives them precludes overtime. The budget also precludes working outside office hours for most police.

At 12.30 this morning, I spoke to Senior Sergeant Ken Moss, who is still organising the search for a four-year-old toddler who has gone missing at Biggera Waters. This morning, Senior Sergeant Moss started work at 6.30 when the police dive squad went down to the search area. The police have the intent, but they do not have the resources.

The Government has done something else to ensure that police are unable to respond adequately to society's needs. By its purges over the past three years, and by new work requirements, it has imposed handicaps on the police in their attempts to protect life and property. We have a far younger and less experienced police force than we should have.

A huge proportion of the experienced police have been driven out. Some have been hounded out, while others have simply felt that they could no longer cope with the farce, and have resigned. They have realised that even if they catch and arrest an offender, there is little chance of a meaningful sentence being imposed.

Mr Pyke: What rubbish!

Mr GRICE: It is not rubbish; it is the truth. Whatever sentence is imposed will inevitably be undermined by parole boards or early release schemes. On that point, there is the ultimate early release scheme administered by the Minister for Corrective Services. That is the one under which a prisoner simply skips when he decides that he has had enough. The short-staffed police then have to go out and collect him—pick him up again.

Mr T. B. Sullivan: Scaring old ladies; that's what you want to do.

Mr GRICE: The honourable member can scare the ladies—just the look of him is enough.

Mr T. B. Sullivan: You'd scare them.

Mr GRICE: The honourable member should go and polish his head. Let me return to what Larry Pointing said. He reckons that penalties and sentences do nothing to deter criminals.

Mr Beattie: Who said this?

Mr GRICE: Assistant Commissioner Laurie Pointing said it, according to an article in this morning's *Gold Coast Bulletin*. The honourable member should read it. Laurie Pointing wants punishment that fits the crime. But he also said that that does not happen. He said—

“There are too many criminals convicted and released back out into society without paying their debt to society—that's my very strong view.”

The member for Brisbane Central did not hear me. I will have to repeat myself. He said—

“There are too many criminals convicted and released back out into society without paying their debt to society—that's my very strong view.”

I hope that the bleeding hearts are listening to this. Laurie Pointing said that it was disconcerting to see people get 10 or 12 years' imprisonment and then be paroled after two or three years. He said also that the same thing applies to people who have committed

serious crimes and are being released on weekend detention. He said—

“I don't believe it is a deterrent and it is certainly making our job very difficult . . .”

Mr Pyke: What are his qualifications to say that?

Mr GRICE: Laurie Pointing is a serving policeman, so he must be pretty careful about what he says. He is an honest policeman who has an opinion but, obviously, he cannot just sit back and watch the deterioration that is occurring.

A few minutes ago, I mentioned new work requirements. Under the touchy-feely Labor Government, police have been required to put social work ahead of crime prevention and detection. They are required to put the interests of offenders at least as high as those of victims. Some people reckon that the new regime in Queensland demands that they put the offenders on top. There is a strong belief among police that they dare not crack down hard in case they wind up being the ones facing the charges.

Before we spend too much time fiddling around with sentencing and penalties, let us get a few people into court. Let us show the people who send us here that we are serious about protecting them and their property. Let us show the police that we are backing their efforts to maintain law and order. Let us show the police that they will have the resources to do the job that they want to do, and allow them to do the best they can.

Mr NUTTALL (Sandgate) (3.28 p.m.): I am pleased to be able to speak to the Penalties and Sentences Legislation Amendment Bill 1993. I have heard a lot of what has been said by members of the Opposition, particularly the last speech. One would have to say that, all of a sudden, someone from south of the border who has lived here only a short time has all the knowledge in the world about Queensland and policing. It is fairly disappointing to hear that. Under previous National Party Governments in this State, our police force was starved of resources, and that was the reason why crime, corruption and all the rest of it flourished. This Government has endeavoured to address those issues.

I shall turn my attention to a couple of matters in particular. One is the issue of fine option orders, which are provided for in this legislation. In terms of crime in our society and, in general, in the communities that we represent—we need to be pro-active with

policing. In my maiden speech in this House, I spoke of Neighbourhood Watch and the beneficial effect that it has had in my electorate with its pro-active stance on crime. Since that time, the community that I represent has established a police/community consultative committee. It comprises old people, young people, school captains in secondary schools, and both young and old representatives from community groups. They are all being pro-active. It is all to do with trying to keep the incidence of crime down and keep people out of gaol. In the last four years, this Government has appointed 1 000 additional police.

I wish to refer to fine option orders and compare what we have now with what we had under the previous Government. Previously, if a person was convicted of a traffic offence, the magistrate would fine him \$100 and stipulate that, in default of payment, that person would be liable to imprisonment for seven days. That was the only option available. Now, people can either pay the \$100 fine or do community work. Throwing people in gaol is not necessarily the answer.

I will provide a number of examples. In the past, one would notice in the daily newspapers that people were thrown into gaol—particularly Boggo Road gaol, which we have managed to close down. In those days, 17, 18 and 19-year-olds who might be out of work would receive a traffic fine and, because they would be unable to pay it, they would be thrown into gaol with hardened criminals. While they were there, they were assaulted, raped and bashed—all because they could not pay a fine. They were scarred for life. I recall in one instance that a young woman who was seven and a half months pregnant was unable to pay her fine and was thrown into Boggo Road gaol. She was thrown into gaol simply because she could not pay a traffic fine. This Government has put a stop to that type of treatment.

We have endeavoured to reform people who commit offences. I am not saying that some people should not be thrown into gaol. Perhaps some people deserve to have the key thrown away. Many young people—most of the people who are incarcerated are young people—make mistakes; they go off the rails. What do we do with those people? Do we leave them in gaol forever or do we make an effort as a society to try to reform them while they are young, to put them on the straight and narrow and give them an opportunity to make something of themselves in life?

A community corrections centre is attached to the courthouse in my electorate. The probation officers attached to that centre have taken me around the electorate and shown me the work that is done by people under fine option orders. Recently, in an Adjournment debate, I spoke of the fine work undertaken by those people. People who are serving fine option orders are working with Meals on Wheels. They are working at homes for the aged, doing cleaning, cooking and gardening. Many of them have told me that, for the first time, they feel they have some meaning in life. A couple to whom I spoke had served gaol sentences, and they told me that they would far rather be doing work in the community than being thrown into gaol. In the electorate of the member for Nudgee is the old Nudgee Cemetery, which is a big cemetery and which was very much run down. That cemetery has been cleaned up at no cost to our society by people under fine option orders.

I am concerned about the issue of truth in sentencing being touted by Opposition members. One problem with it is that, not only does it overcrowd the gaols and breed additional crime, but it is also an additional cost that the community has to bear. If we keep filling up gaols, we have to keep building more of them. It continues to be an additional cost for our community to meet. The recidivism rate for people who have served time in gaols is around the 60 per cent mark.

I was fortunate to be able to travel with the Minister for Corrective Services to some Western Outreach camps. Honourable members will recall the terrible floods at Charleville in 1990. At that time, in response to the terrible floods and the devastation that occurred, prisoners were sent to Charleville to work for the community. Communities and shire councils have built on that program and have been very pro-active in endeavouring to have Outreach camps established in a number of western towns.

I will deal further with that matter to indicate to honourable members the good work that was done. However, the important point is that the recidivism rate for the people involved in those programs is under 10 per cent. If they are left in gaol, the recidivism rate is in excess of 60 per cent; however, if they are allowed to do community work, the recidivism rate is under 10 per cent. That is a clear example of how fine option orders—

Mr FitzGerald: You are not on the same basis. Those guys are better guys and have less chance of repeating before they left them

out there. So you are not drawing from the same basis.

Mr NUTTALL: Of course we are drawing from the same basis. They are people who have been incarcerated. We have said to those people, "Look, we will give you some sort of incentive. If you behave yourself in gaol and show that you want to improve yourself and reform, we will give you some incentive." We take them out of the gaols and send them to the Outreach camps so that they can do good for the community and for themselves.

I visited a number of Outreach camps, but I was impressed by the one at Mitchell, which had approximately 15 offenders. A new hospital had been built at Mitchell, and the council, to its credit, decided to turn the old wooden hospital into a home for the aged. It was pleasing to see it getting some use. There are a number of old people in the area, and they placed those 15 offenders in that home with those people. People with criminal convictions lived in the same home as retirees and aged people did.

Those people told us that there were a number of things about which they were appreciative. They were appreciative of the company and they were appreciative of the good work that those people were doing. The gardens were improved, the quality of life was improved for the aged people and, more importantly, they felt safer and secure. If there happened to be a fire or any disruption, they felt safe and secure because there were people there who could help them. We talked to the prisoners who were living there and they told us that they felt that being there was far more beneficial to them than being in gaol.

In conclusion, I want to congratulate both the Attorney-General and the Minister for Corrective Services on the fine work that they have done since this Government came to power in 1989 in terms of reform for our prisoners. As I said earlier, it is a step in the right direction, and this Government should be applauded for its actions.

Mr LAMING (Mooloolah) (3.40 p.m.): I would get little argument in this House if I argued that law and order in our society is the most important role of Government. The purpose of this legislation is to provide common enforcement procedures for addressing the problem of fine defaulters. It also affords members the opportunity to address other related matters in the area of penalties and sentences.

Penalties have a multifaceted function: the punishment of offenders; the protection of society from further offences; it enables

rehabilitation to be provided; and it acts as a deterrent to others. Penalties take many forms, including imprisonment, fines and community service orders. These are the penalties for crime. So often we concentrate on the offender. We should not forget the penalties of crime. That is the price that others pay. We have, for example, the social and economic price that is paid by the victims of crime, the families of victims, the families of culprits, and the community generally. The community pays the cost of the damage of crimes, particularly in cases such as vandalism and, again, by being responsible for the cost of our law and order and judicial systems.

I will refer a little more to just one of these: the victims of crime. I am not referring just to the direct victims of crime—their plight is certainly bad enough—but a wider definition. If a person has to spend considerable amounts of money on security, that person is, in effect, an indirect victim of crime. If people, their friends and families cannot go for a walk at night for fear of violence, they are, again, victims of violence. If parents are afraid to leave their children unattended as they play or travel to or from school, the parents and the children also are victims of crime.

It is on this last example that I would like to be more specific. I am, of course, talking about the problem of child molesting—a sad, social problem. For the benefit of the member for Everton, I will not take a political course in this debate. Very few things in our society will arouse the anger of the community in general more than this subject. Recent cases in which convicted offenders have been released on parole have caused whole communities to react with indignation. We have become accustomed to a legal system which provided an expectation of a punishment which fitted the crime. The recent cases to which I referred earlier have illustrated that the community's expectation has not been realised.

I advise the House that nearly one quarter of the members of this House have brought forward petitions on this vexed issue. Twenty-one members have presented signatures from a total of 80 468 petitioners in their electorates. Those petitioners are male, female, young, old, and from all walks of life and from all political persuasions. I seek leave to table and have incorporated in *Hansard* a summary of that petition.

Leave granted.

SUMMARY OF SIGNATURES TO
PETITIONS REQUESTING HEAVIER
PENALTIES FOR CONVICTED
CHILD MOLESTERS FEB-MAY 1993

Mitchell	75
Stephan	2,398
Simpson	6,966
Healy	5,595
Horan	5,612
Cooper	314
* Livingstone	317
Turner	1,867
* Campbell	9,301
Laming	12,039
* Bennett	11,331
Hobbs	302
Sheldon	2,621
McCauley	2,490
Davidson	643
* Casey	10,771
Slack	629
Littleproud	282
* McGrady	3,316
* Gibbs	732
* Wells	<u>2,867</u>
Total	80,486

Mr LAMING: This is the largest petition in Queensland since 1916, when a huge petition was received requesting a 6 p.m. closing time for hotels. Although 80 000 signatures is only about 3 per cent of the State's population, I am sure that it represents the consensus of all reasonable Queenslanders.

I am told by the Attorney-General and the member for Brisbane Central that the problem rests with the judiciary. The judges, under the present legislation, have the latitude to grant extensive parole periods. This latitude is used from time to time, resulting in disapproval and, quite often, anger within the community. The granting of early parole for convicted child molesters does not satisfy any of the intentions of sentencing—no punishment, no deterrent to others, no rehabilitation and, most importantly, no protection for the community against further offending. The member for Sandgate claimed that throwing people in gaol does not overcome the problem. I would suggest that if he spoke to any one of those 80 000 signatories, he would find that they would not agree with him.

Mr T. B. Sullivan: That's not what he said.

Mr LAMING: Yes, it was. The member for Cleveland and others have talked about the separation of powers, and I really wonder whether the people who talk about the separation of powers in this manner understand what the term really means. It does not mean—

Mr Hollis: Do you?

Mr LAMING: I did not hear who interjected, but if the member will wait for a moment, I will attempt to throw some light on

this subject. It does not mean that people who are convicted of crimes are just given to the courts and we forget about it. That is not what the separation of powers means at all. It means that the judiciary has the right, without interruption from the Executive or the Legislature, to work out who is guilty and who is innocent. Our Acts of Parliament are riddled with offences that have minimum and maximum penalties. Whenever legislation passes through this House, suggestions are made as to what the penalties should be. I suggest that it is not the role of the judiciary to decide what penalties should be if the community at large, through this House, believes that the penalties are not strong enough. On behalf of the 12 000 petitioners—

Mr Beattie interjected.

Mr LAMING: Yes, I will take the honourable member's interjection.

Mr Beattie: Don't forget the Court of Appeal. The Attorney did appeal against what the justices of the District Court were doing, and they now have a firmer policy in sentencing in child molestation cases.

Mr LAMING: I take that interjection from the member for Brisbane Central. In answer to that—I wonder whether the Attorney-General would have taken that course of action had there not been the community outcry through the petitions presented to this House and others?

Mr Wells: I have appealed in 30 sex offence cases over the last three years.

Mr LAMING: Okay. On behalf of the 12 000 petitioners it is my personal duty to represent, I have asked the Attorney-General verbally and twice in writing to address the issue. The Attorney-General has brought 2 867 petitioners' signatures to this Parliament. I am surprised and disappointed that he has not brought forward a suitable amendment today while this Bill is before the House.

While participating in this debate, I again ask the Attorney-General to consider a further amendment to the Penalties and Sentences Act to provide judges with clear parameters in the legislation which reflect the community's concern in this matter. I believe that could have been done today. I will respond to the challenge issued by the honourable member for Brisbane Central and look past the politics of the matter in an endeavour to bring the amendment to fruition quickly, and I will remain non-party political. Suffice it to say,

however, that I would expect all of the 20 other members who have presented petitions—Labor members, National Party members and Liberals—to support an amendment that is aimed at solving this particular problem. I believe it is up to the Attorney-General to present the amendment. It could be done today; or, failing that, will he guarantee today that such provisions will be contained in the new Criminal Code later this year? I am convinced that these necessary provisions should be contained in the Bill that is before the House today.

Mr HORAN (Toowoomba South) (3.46 p.m.): In joining this debate at this late stage on a Friday afternoon, I will mention three issues. First of all, I wish to refer to a particular instance that demonstrates exactly the way people in the community feel when offences are committed against them or their property. There is a feeling among people that legislation in this State does not do enough to protect victims of offences. During this debate, much has been said about rehabilitation. It is fair to say that the average citizens in the community whom we represent are fair-minded and see rehabilitation as having an important role, but they also regard deterrence as being of prime importance. After all, deterrence is the very first consideration that will stop offenders from committing an offence when they first think of committing an offence.

A particular case to which I wish to refer is one involving two people who were found guilty of 59 offences. They received suspended sentences and orders for 200 hours of community service work. The basic problem is that, under the present Act, judges and magistrates are encouraged under section 9 (2) of the Act to consider gaol as the very last option. Really, the job of the judiciary is to interpret legislation, and we provide them with the legislation.

In the Minister's second-reading speech, he said that his idea in bringing forward this legislation is to eventually follow through and improve it over time by introducing further amending Bills. Today, I would like to put a case illustrating the problems that have occurred recently in Toowoomba. The particular case to which I refer involved a large number of storage sheds. Two people were found guilty of 59 offences, including eight counts of stealing, eight counts of breaking and entering, seven counts of unlawful use of motor vehicles and so on. Both were gaoled for a period but received suspended sentences and 200 hours of community service work. The people whose premises were broken into were absolutely aghast. Over

a period of three years, they had suffered several break-in offences, so they employed security staff and made every effort they could to make the premises secure. I understand that the police involved in this particular matter are also beginning to wonder whether it is worth while going to all the trouble of making an arrest.

The property owners wrote to the Minister expressing their feelings, typifying the way people feel when property damage occurs to their premises or their houses. The letter is worth noting when future amendments to the Act are being considered. The letter states—

“For 3 years, we have been trying to overcome the problem of break-ins at our storage facility in Toowoomba.

Recently, after another such incident, we were pleased to learn of the arrest of these two men, and felt that at last justice would be served and our clients could store their possessions free from interference by such criminals.

It now seems, however, that the police and security patrols could well have saved their time and effort spent to apprehend these thieves, as the court was apparently not concerned with their activities and we can expect them to be back at their old occupation this weekend or in the near future. Additionally, the expense incurred in bringing them to account was a waste of public money.

The reason for the Magistrate to give these men only a suspended sentence is beyond our comprehension.”

As I said earlier, the judiciary is really only reacting to the direction given to them by legislation. The legislation that we have passed encourages the judiciary to consider gaol as a last resort. The letter goes on to state—

“Firstly, they pleaded guilty to the charges brought against them and according to the report, they have apparently been sentenced previously for similar offences.

Any excuses regarding over crowding of prisons or the expenses entailed in imprisoning these people, that you might be tempted to offer us, are wholly unacceptable.

The imposition of community service is laughable. At best, it would give these criminals the opportunity to check out locations for future crimes.

We suggest you and your department urgently review this situation.”

I would like the Minister and his advisers to take those matters on board.

There is no doubt that since extended sentencing options were brought in, we have seen nothing but an escalation in property offences. In the past three years up to 1992, there has been a doubling of property offences while during the same period two gaols were closed down. One wonders what things are coming to in this State. It is time that serious consideration was given to the way that people feel and to the security of people in our community. Consideration should also be given to what is the real deterrent effect of sentences.

I sometimes wonder whether an advertising or marketing campaign could be undertaken in an attempt to deter people from committing crimes and to let people know exactly what the offences are. In that way, people who may feel disposed towards committing break-and-enter offences or stealing a car, etc., would know what the consequences would be. The way things are at present, the only information that could be advertised is that, as the very last resort, offenders would go to gaol, but most probably would be performing community service work such as Meals on Wheels, maintenance of local showgrounds or helping to rake up the leaves at the local park. The deterrent effect of sentences is becoming less and less effective. Frustration is being felt in the community and in the police force. If anything is leading to a breakdown of law and order, it is that particular aspect of the Act. Changes to the legislation deserve serious consideration as the review process takes place.

I turn now to address the need for an additional judge in Toowoomba or, more importantly, the need for a permanent judge in Toowoomba. This year, approximately 27 weeks of District Court work has been set down. If a permanent judge was appointed in Toowoomba, in addition to doing that work, he or she would be travelling to Dalby, Stanthorpe, Kingaroy, Warwick and Goondiwindi. Even a full-time permanent judge would not be able to undertake all those tasks, and there would still be a need for a judge to travel to Toowoomba.

At the moment, there is an urgent need for an additional visiting judge to get through the backlog of work and particularly to clear the civil work that is accumulating in the city. It would certainly be a great thing for people in the community of Toowoomba who need to use the services of legal firms to have a permanent judge in Toowoomba. No longer

would they be faced with the additional costs of Toowoomba legal firms having to use town agents in Brisbane to undertake a great deal of the work required.

Finally, in common with many other members who have spoken in the debate on the Bill this week, I want to speak also about the petition regarding the sentences for those convicted of offences of child molestation. There were 5 612 signatories from the Toowoomba region on the petition that I presented and a similar number were presented through the Toowoomba North office.

Following the deposition of that petition into Parliament, I wrote to the Attorney-General and asked what action he would be taking. In mid-April, he replied that there was now a consultation period with respect to the final report of the Criminal Code Review Committee. He asked that committee to consider the recommendations that were presented in that petition not only by me but also by so many other members of the Parliament. The Attorney-General said that the Criminal Code Review Committee would advise him shortly of the response to the community input.

As there has been so much interest in the matter, the Attorney-General's reply this afternoon would be an excellent time for him to report to the House as to what stage the consideration of that particular problem has reached. I know that the citizens who collected the petitions are extremely genuine people who are concerned about the issue. The concern of the community is obvious from the more than 80 000 signatures that have been placed before the House. It is well worthy of a comment in the Minister's reply.

Mr FITZGERALD (Lockyer) (3.56 p.m.): In speaking to the Bill that amends the Penalties and Sentences Act before the House this afternoon, I wish to make a few comments. When the previous Bill that became the present Act was introduced, Opposition members mentioned that problems would arise. The Attorney-General acknowledged that he would bring back to the House any problems that he had and that he would amend the Act. He thought that the legislation might have to be amended from time to time. The problem that the Opposition foresaw at that time was that, although it is commendable to try to keep people out of prison and although it is commendable to give the sentencing judges or magistrates every option possible in their armoury of options—a fine option, a community service option,

probation or whatever—before sending people to gaol, there must be a finite conclusion if a person would not comply. That is where we are at now.

Mr Beattie: You put them in gaol if they don't comply.

Mr FITZGERALD: Yes. The member for Brisbane Central is quite right. Eventually, somebody must go to gaol. If people have money, they may pay a fine. People do community service when they cannot pay a fine. If, after people are given all the options, they refuse to turn up for community service, and they walk away and ignore their obligation to that magistrate or ignore that court requirement, they eventually must go to gaol, although it may have been a reasonably minor offence. The penalty must be paid.

Mr Beattie: They have to be given every opportunity.

Mr FITZGERALD: They must be given every opportunity. The Opposition at the time said that the mechanism for enforcing that fine option was flawed because eventually a warrant had to be issued to get them back before the court. If the fine is not paid, if the penalty is not paid, an option must be available to send those people to gaol straightaway.

I notice that the Minister has suspended the issuing of warrants to bring before the courts people who have not complied with those requirements. At a guess—and maybe the Attorney-General could inform the House—in the vicinity of 20 000 warrants are outstanding in the State. I have it on pretty good authority that there are about 2 000 in Toowoomba. What is the message that is being sent out? In his second-reading speech, the Attorney-General said that people will eventually have to pay the penalty and that the Government would eventually make sure that they came before the courts. The Attorney-General said—

“ . . . an administrative decision was taken to postpone the issue of warrants for outstanding fines until the amendment proposed by this Bill has been made. . . . In practice, this has simply meant that some persons who had not paid fines due have received an additional period in which to make payment.”

In other words, the legislation was flawed. The Opposition was right; we told the Government so.

Mr Beanland: Another Wells foul-up.

Mr FITZGERALD: I agree with that. It was another Wells foul-up. That is certainly what

happened. A number of members of the community have come to me very, very upset. They say that people get fined and have three months to pay. Halfway through the period which has been allowed for payment of the fine, because of circumstances, they change their attitude and they do not pay the fine, or they find that they can no longer pay it. They then choose to apply to the court for a fine option order. Then they say, “To heck with it”, and they do not pay that. No warrants have been issued, so they drift from one area to another area. And we wonder why the community at large is saying that law and order is breaking down! There must be an end to the piece of string and, eventually, people must go to gaol. Even if the offence involved is a minor one, if people will not pay the penalty that was imposed on them by the court, they can go to gaol as a protest.

Government members have thrown off at speakers on this side of the House for raising the question of sexual offenders and the sentences that they have received. I know that this is a very major community concern. I notice that the Attorney-General is nodding his head to show that he agrees with me that it is a major community concern.

I am aware of a gentleman who was given a community service order after being found guilty of taking indecent photographs without legitimate reason of a child under the age of 16 years with a circumstance of aggravation. The court ordered that he serve 120 hours community service. We all know what happens if that sentence is not served. The order was 120 hours of community service, and no conviction recorded.

A number of cases come up. I will not go into the details of this particular case, but I am also aware of a case in Toowoomba involving a very prominent person. He got off with a community service order for a similar offence. In fact, the newspaper did not even print the details of the case because, as I say, it involved a very prominent person, a former principal of a school. Eventually, the case was reported in the newspaper, because I understand that some journalists were so offended by the fact that that case was not going to be reported in the paper that they were going to strike. That person served his community service order at an institution as a member of a management committee. There was no real penalty paid. It is sad when an old, retired gentleman finds himself in these circumstances. It is a very sad case, but the community is extremely upset about it.

The Minister said that he has appealed on 30 occasions in the last few years about the penalties that have been handed down in sexual offences cases. To put the separation of powers into context—the judges and the magistrates have a right to impose the penalties that the laws allow. This Parliament has every right to make those laws, and the Attorney, being the responsible Minister, has every right to appeal if he thinks the judges were too lenient in a particular case.

Mr Beanland: He has a responsibility.

Mr FITZGERALD: He has got a responsibility to do that. If 30-odd cases have come up in a recent period, obviously the Attorney-General or the responsible Minister believes that there must be something wrong with the legislation. The legislation is saying that every possible step must be taken to keep them out of prison. Obviously there is a problem if the magistrates or the judges think that they should go to prison. It indicates to me that there is a weakness in the legislation, because community standards—

Mr Wells: It is not with the legislation. I will explain that in my reply.

Mr FITZGERALD: If there is a problem, we have got an ability to fix it through legislation. This House has a responsibility to do that. For some time, we have been looking at all the options to keep people out of gaol. There is a long history of Governments trying various things which do not work. For instance, weekend detention was introduced in the late sixties, but it was withdrawn in the late seventies. It did not work. It sounded like a good idea at the time. The community said, "That will be great. Make sure that they keep their jobs, they do not suffer those penalties, and they go to prison for a weekend." It looked like a good idea until the offenders turned up drunk on Friday night and went home sober on Sunday night or Monday morning. It really did not solve the problem, so we wiped it out. Recently, legislation has been passed to repeal those provisions.

Fine options were introduced in about 1984. Community service orders were introduced in the 1980s. We are always making changes. We do not want to go back to 1896 when the Criminal Code was introduced, which provided for mutilation and the use of whips and stocks. They were the options that the magistrates had at that time. They could impose all those penalties. Of course, we had the death penalty up until 1922. Community standards have changed. I say to the Minister that the community standards are demanding that people do pay a penalty.

I agree with members of the Government who say that the Western Outreach centres are working very well. We need to keep the prisoners out in those camps to get the benefit. The recidivism rate is a lot lower among those people. I take up the point that I made to the member for Sandgate by way of interjection. I do not really think that those people can be compared with the hard core criminals who are in prison, because obviously the people who demonstrate during their term in prison that they are willing to try to mend their ways are released to those programs.

In conclusion, I indicate that we support the legislation, but we will be waiting for further amendments. We ask that the community expectations are mirrored by legislation if we believe that magistrates and judges are not imposing the penalties that the community expects.

Mr CONNOR (Nerang) (4.06 p.m.): Very quickly, the No. 1 issue that has been raised with me over the last couple of years is that most people feel that criminals are not really serving their time. They feel that when the courts bring down their sentences, they are not really fair dinkum and the prisoners are not doing their time. It is quite a legend in Queensland now that prisoners are getting out in a quarter or a third of the time that they are being sentenced to.

In 1989, the Government went to the polls with a policy that it would get rid of remissions. I accept the fact that truth in sentencing may not be palatable to the Labor Party. The South Australian Labor Government did have an answer that may be palatable to this Government. It was only recently implemented. It required the courts to consider the effect of remissions. That has only recently been brought in, and the Government may like to consider it. About a year ago, there was this quandary whereby some members of the judiciary were saying that they did consider the remissions and some were saying they did not. So, a lack of uniformity existed. If a direction were given by this Parliament that the courts had to acknowledge the remissions and their effect, uniformity and equity in sentencing may result.

Hon. D. M. WELLS (Murrumba— Minister for Justice and Attorney-General and Minister for the Arts) (4.08 p.m.), in reply: I thank the honourable members who participated in the debate. I thank particularly the honourable members for Brisbane Central, Everton, Chermide, Mount Ommaney and Cleveland. I thank the honourable members—

Mr Nuttall: What about Sandgate?

Mr WELLS: I am awfully sorry. In particular, I thank the honourable member for Sandgate. His contribution on this occasion and on many other occasions has been of enormous value to the Government in the process of policy formulation; and the many representations that he has made on this and other subjects on behalf of his constituents have been of enormous value and have demonstrated the mettle of the member that they have elected to represent them in this Parliament.

I thank Opposition members for the contributions that they made. Because of the lateness of the hour and because this has been a long week, I will not deal with each of them individually. However, I feel an obligation to respond to a number of the points raised by honourable members opposite. To do otherwise would be to treat this Parliament with contempt. I seek the patience of honourable members while I respond to some of those points.

I will refer chiefly to the remarks by the honourable member for Indooroopilly, who is the Opposition spokesperson on Justice. He made a large number of points which I would characterise as misstatements. The first of his misstatements concerned the furphy that we are in some sort of crime wave. He used phrases such as "the spiralling levels of crime", "crime out of control", "criminal activity has shot up", "criminals are roaming this State at will" and other such immoderate language.

It is far from true that criminals are roaming the State at will. In fact, the rate of crime detection has increased dramatically. Since it came to office, this Government has increased by 1 400 the number of operational police. That has led to an increase in the detection of crime, which in turn has led to a larger number of people going through the courts. The fact that a larger number of people are going through the courts by virtue of the larger number of crimes being detected provides, of course, some statistical colour for the honourable member opposite to misrepresent that as some sort of crime wave. It is not a crime wave; it is a matter of a greater proportion of crime being detected.

Criminological statistics are notoriously rubbery. They reflect the rate of detection and reportage of crime. They do not—except in one instance, which I will mention now—reflect the actual rate of crime. One criminological statistic reflects exactly the rate of crime in the community, and that is the rate of homicide. No homicides go unreported. If a person has disappeared or vanished off the face of the

earth, or if a body is found, such matters are reported. Assaults of various types are not always reported. They are selectively reported, depending on the person and depending on the circumstances of the case. Break and enters are not always reported. The extent to which people report most offences depends on a whole variety of circumstances, including confidence in the legal system and the judiciary. That is applicable particularly to the offence of rape.

Society becomes aware of how many homicides are committed. How many have occurred in recent years? In 1989-1990, there were 286. In 1990-1991, there were 196—a massive fall in the number of homicides in that period compared with the previous period. In 1991-92, there were 269—an increase on the previous year, but not an increase such as to bring it back to the rate that it was three years before. If one considers the one criminological statistic which is not pliable, which does not bend with such factors as whether or not the offence is reported, whether or not people have confidence in the system or whether or not it is detected by the agencies of law enforcement, one will discover that the rate is steady or, indeed, that a decline has occurred. The matter is a great deal more complex than the grand simplicities that have been advanced by the honourable member for Indooroopilly.

I turn to the next misstatement, that we have too few judges in this State. The member for Indooroopilly claimed that, in 1984, there were more masters and judges of the Supreme Court of Queensland and the District Court of Queensland than there are today. That is simply false. In 1993, Queensland has more judicial officers on the Supreme Court and on the District Court than it has ever had before. At present, 21 judicial officers are serving on the Supreme Court bench. That number is equal to the most that Queensland has ever had. In addition, 30 judges serve on the District Court, and that number will be 31 as soon as the vacancy which currently exists is filled, and that is in the process of occurring.

A further point is that there is a protocol with respect to the appointment of judges. Two criteria are necessary before a judge is appointed. First, the serving judges have to ask for an additional judge. That has not happened in respect of either jurisdiction above those appointments which are currently in place or about to be put in place. Secondly, the jurisdiction has to provide us with statistical justification for the appointment of an

additional judge. As the President of the Childrens Court, His Honour Judge McGuire, said recently at an open hearing to mark the commencement of that court, the judiciary also has to be accountable. The judiciary realises that, these days, we have to be provident with the funds of the Queensland taxpayer. With the necessary add-ons, it costs \$580,000 to appoint a judge. That is a substantial cost. We have not had a request to appoint an additional judge and we have not been provided with statistics to justify the appointment of an additional judge.

The next misstatement to which I want to refer is the proposition that there is some sort of funding crisis in the criminal justice system, and that justice is given a low priority by this Government. The very reverse of that is true. The funding provided this year to the Office of the Director of Prosecutions under this Government is almost exactly twice that which was provided in 1989 by the Government of which Mr Beanland and his coalition colleagues were members. In 1989, the funding that was provided was approximately \$4.5m. Now, that figure is approximately \$9m.

As to the Legal Aid Commission—in answer to a question yesterday before the House, I articulated the sums of money which have recently been provided to the Legal Aid Commission: the \$2m from a couple of days ago; the extra \$2m out of consolidated revenue additional to their base; the three quarters of a million dollars that I obtained as a result of negotiations with the banks; and the \$4m which was provided from the Public Trustee to establish a civil personal injury recovery scheme. All of those sums of money are additional to what had been provided previously in order to ensure that Queensland has the best legal aid system in this country.

Obviously, in difficult times lots of people want legal aid, and obviously not everybody who wants it can get it. It is unfortunate that it cannot be provided universally, but there is a means test and there is a merits test applicable in every State. I would like to say to the House that, only a couple of weeks ago, at the Standing Committee of Attorneys-General, I saw a dramatic demonstration of the fact that the situation in Queensland is better than it is anywhere else. There was a case that was decided recently by the High Court called Dietrich's case, and that case held that where an indigent defendant appeared before the court, that defendant had to have legal representation. If that person did not have legal representation, then the case would be adjourned or perhaps stayed until such time as the defendant had

that legal representation. Every other Attorney-General in the country was talking about how they were thinking about legislation to overcome the effects of that case in their State—except Queensland.

Queensland did not need to, by virtue of the fact that we provide already for indigent defendants. There is no merits test applicable to prescribed crime in this case. We are better off, and always have been better off, in terms of the legal aid provided in Queensland. Of course, we would like to do better, and in Utopia we would do better, but Utopia has been postponed because of the recession, and we will get back to people when times look better. I should also mention that the Government has started funding the community legal centres—a quarter of million dollars recurrent funding. That is not bad in comparison to the big, round zero that the Opposition was always providing when it was in office.

I would like to turn to the subject of child sexual abuse, which was raised by a number of honourable members opposite. With respect to the petition, I would like to say that that expression of community concern is an expression of concern which is shared by the Government, and which is shared by all members of this House. It is a valid expression of community concern, and it has played a role. However, I would like to refer to the events of the case which the Court of Appeal decided on appeal from me only a couple of weeks ago. In that case, the issue was whether the penalty that was imposed upon a person who had molested a very young girl—and had done so with aggravating circumstances—was appropriate in all the circumstances of the case, having regard to the provisions of the Penalties and Sentences Act.

The court found that, having regard to the provisions of the Penalties and Sentences Act, the sentence was not sufficiently stern. In the first instance, the person received a four-year suspended sentence. Effectively, that is nothing to pay now. After the Attorney-General's appeal, he received an actual four-year sentence, and also some dicta from the court saying that it was necessary for the courts to be sterner, and that an imprisonment sentence was appropriate in the first instance for this kind of case.

A little while ago, I said to the honourable member for Lockyer that there was a problem, but the problem was not in the legislation. I owe it to the House to explain what the problem was. Over the years, this kind of

reasoning had been put before Their Honours in the District Court, and it had found favour in the District Court. Defence counsel would argue thus: there is no evidence to show that this case of abuse of this small child has done permanent damage to the child. This is a criminal trial. Therefore, since there is no evidence to show that permanent damage has been done, the court must assume that permanent damage has not been done. Therefore, the court must sentence on the basis that permanent damage has not been done.

The trouble with that line of reasoning is that it means that a judge can almost never bring down a stern sentence against a child abuser by virtue of the fact that if the child is only three, or five, or seven, how can one ever demonstrate that permanent injury has been done to such a child when that fact is only going to become evident many years down the track? How can one possibly know? Consequently, something that was not knowable was being pleaded by the defence as an extenuating circumstance. That was a totally unsatisfactory situation. The Director of Prosecutions, after consultation, sought to appeal specifically in order to reverse this doctrine.

I am telling honourable members what went wrong, why this was happening and how it was solved. It was not the Penalties and Sentences Act, as Opposition members have been going around saying, and the fact that this Court of Appeal decision has occurred in the context of the Penalties and Sentences Act is conclusive proof of that. What went wrong was what I described as that line of argument. The Court of Appeal reversed that. It held specifically that it is not the case that lack of evidence that permanent damage has been done is grounds for assuming that that was not an offence of significant gravity and ought to be dealt with on sentence as if it were something that had done no harm to the child. The Court of Appeal specifically reversed that doctrine, and immediately the results have become effective. District Court judges have been sentencing on the basis of the decision in that Court of Appeal case, and not on the basis of the doctrine which was recognised previously in the courts.

The Court of Appeal decision is incredibly important. One cannot overestimate the importance of that Court of Appeal decision. That decision is binding on the judges of all inferior courts. They have to follow it. To those honourable members who were concerned about that particular issue and were attributing that concern to the Penalties and Sentences

Act or some need to amend it, I say: the problem was solved by the Court of Appeal. Of course, we will continue to monitor the situation.

In the context of the review of the Criminal Code—if honourable members care to draw to my attention reasons why amendments need to be made to any particular provisions, that will be taken on board. Of course, that is the case. The Criminal Code is the appropriate place for that. The Court of Appeal has now found that, having regard to all the provisions of the Penalties and Sentences Act, nevertheless, sterner penalties need to be brought down.

The last misstatement to which I refer, which was made by the honourable member for Indooroopilly, is the member's proposition that the worst kind of offenders are not being dealt with under this legislation. In fact, they are. Part 10 of this legislation, which contains provisions for dangerous offenders, was passed by all members of this House. It has been copied in Victoria, and will be copied in Western Australia and New Zealand. Queensland led the way with respect to these provisions. This is a tough Bill that provides the courts with the capacity to deal with violent, recidivist offenders. I urge honourable members opposite not to talk down what they, in conjunction with other members of this House, have achieved.

The Penalties and Sentences Act is an incredibly important Act, which puts in the right place the considerations which ought to be motivating the law enforcement system of this State. I remind honourable members of the preamble of this Bill, which states—

“Whereas—

- (1) Society is entitled to protect itself and its members from harm;
- (2) 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;
- (3) Society may limit the liberty of members of society only to prevent harm to itself or other members of society;

Be it therefore enacted.”

That puts the considerations and the emphasis in the right place. Of course, with as far-reaching a reform as the Penalties and Sentences Act was, we will have to revisit it from time to time and do some finetuning, as

we are today. The Penalties and Sentences Act will again come before the House for some further finetuning within the next 12 months. But that does not spoil the intrinsic importance of this Bill. I thank honourable members for their contributions, and commend the Bill to the House.

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 8, as read, agreed to.

Clause 9—

Mr WELLS (4.26 p.m.): I move—

“At page 9, line 2—

omit ‘147(1)(c)’, *insert* ‘147(1)(b) or (c)’.”

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 12, as read, agreed to.

Clause 13—

Mr WELLS (4.27 p.m.): I move—

“At page 10, lines 26 to 27—

omit proposed subsection (3), *insert*—

“(3) This section has effect—

(a) subject to the Act under which the penalty is ordered to be paid; and

(b) despite section 152, whether or not a conviction is recorded.’.”

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 and 15, as read, agreed to.

Schedule 1—

Mr WELLS (4.28 p.m.): I move—

“At page 14, lines 15 to 19—

omit the proposed definition, *insert*—

“ ‘fine’ includes the fee payable for lodging a complaint for an offence with a clerk of the court;’.”

At page 15, line 4, after ‘allow the’—

insert ‘court or’.

At page 20, line 22—

omit ‘made the original order’, *insert* ‘imposed the fine’.

At page 25, after line 11—

insert—

‘76A. Section 132—

omit ‘discharged’, *insert* ‘terminated’.’.

At page 25, after line 23—

insert—

‘78A. Section 146(1)—

omit, insert—

‘146.(1) A court must proceed under this section if—

(a) the court—

(i) convicts an offender of an offence for which imprisonment may be imposed; and

(ii) is satisfied that the offence was committed during the operational period of an order made under section 144; or

(b) an offender is otherwise before the court and the court is satisfied that—

(i) the offender was convicted, in or outside Queensland, of an offence for which imprisonment may be imposed; and

(ii) the offence was committed during the operational period of an order made under section 144.’.”

At page 26, lines 3 to 9—

omit proposed section 147(1), *insert*—

‘ ‘147.(1) A court mentioned in section 146(2), (4) or (6) that deals with the offender for the suspended imprisonment may—

(a) extend the operational period for not longer than 1 year from the making of the order under this subsection; or

(b) order the offender to serve the whole of the suspended imprisonment; or

(c) order the offender to serve the part of the suspended imprisonment that the court orders.’.”

At page 27, after line 3—

insert—

‘85A. Section 157(3)(b)—

omit ‘made a recommendation of a non-parole period for the offender’,

insert ‘sentenced the offender to a term of imprisonment’.’.”

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

SPECIAL ADJOURNMENT

Hon. T. M. MACKENROTH
(Chatsworth—Leader of the House)
(4.29 p.m.): I move—

“That the House, at its rising, do adjourn to a date and a time to be fixed by Mr Speaker, in consultation with the Government of the State.”

Motion agreed to.

The House adjourned at 4.30 p.m.