FRIDAY, 24 JUNE 1994

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—

Turbot, Edward and Ann Streets, Park

From **Mr Beattie** (11 signatories) praying for action to be taken to create a park in the inner city of Brisbane on vacant land bounded by Turbot, Edward and Ann Streets.

Aboriginal Deaths in Custody Report Recommendations

From **Mr Gilmore** (23 signatories) praying that the Parliament of Queensland will, wherever possible, pass legislation implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Prince Charles Hospital

From **Mr Livingstone** (93 signatories) praying that the proposal to relocate the Prince Charles Hospital cardiothoracic unit to the Royal Brisbane Hospital be rescinded.

A similar petition was received from **Mr T. B. Sullivan** (16 signatories).

Teachers

From **Mr Stephan** (44 signatories) praying that the Parliament of Queensland will ensure that teachers are not suspended without pay prior to a court conviction or finding of fault by disciplinary procedures, that there is a fair and immediate investigation of complaints against teachers, that action is taken to support teachers with a fair and effective disciplinary structure in the schools, that action is taken to penalise individuals who make frivolous or malicious complaints against teachers and that substantial compensation be provided for teachers who are exonerated.

Law and Order

From **Mr Mitchell** (1 130 signatories) praying that the Parliament of Queensland will take action to investigate the impact of the present breakdown of law and order and empower the judicial system and the police to again allow Queenslanders to live a normal and peaceful life.

Petitions received.

MINISTERIAL STATEMENT

Financial Management Strategy

Hon. K. E. De LACY (Cairns—Treasurer) (10.02 a.m.), by leave: Queensland's record of financial management is widely recognised as being superior to that of other Australian Governments. A key to our success has been the Government's commitment to the long-standing financial management trilogy. Good financial management is about making decisions from a position of strength. Inevitably, this position of strength results in the Government having more choices available—choices the Government can continue to exercise in meeting its social responsibilities in a constrained fiscal environment. Further, governments around the world are recognising that they can work more effectively and efficiently if they look carefully at how they conduct their business.

In this regard, the Queensland Government is no different. Despite the fact they we are in a comparatively strong financial position today, we cannot afford to shy away from seeking continuous improvement in the financial management of the State. Over the rest of the decade, there will be increasing pressure on the State's financial position, including demands for higher levels of social infrastructure and community services due to our rapid population growth and tighter resource constraints.

Maintaining the State's strong financial position and our trilogy of commitments in these circumstances requires the Government to achieve greater efficiency in managing the Queensland public sector. This requires a strategic approach which—

sets explicit goals to be achieved;

sets out specific strategies targeted at priority areas; and

integrates core financial management initiatives with associated reforms such as enterprise bargaining and the widening role of parliamentary committees and the Auditor-General.

As well, it is imperative that Queensland remains an active participant in the broad reform of both the Australian economy and the public sector in general.

As foreshadowed in my Budget Speech on 31 May 1994, I am pleased to lay upon the table of the House, the *Financial Management*

Strategy—Improving Financial Management in the Leading State, an initiative that will entrench in the State public sector a culture of continuous improvement right up to the turn of the century. I seek leave to have the remainder of this statement incorporated in *Hansard*.

Leave granted.

The Financial Management Strategy aims to ensure that the Goss Government's financial management policies, standards and practices represent world best practice in public sector financial management. The Strategy sets out three basic goals for the Government. These goals are to:

ensure that Queensland Government services are provided on the basis of the best value for money, that is, they reflect the three Es of economy, efficiency and effectiveness;

maintain the State's infrastructure in a condition appropriate for present and future generations in order to preserve the capacity to deliver essential Government services; and

preserve the State's long-term financial stability.

To complement the goals, the Strategy outlines seven guiding principles. The principles in pursuing the goals are:

client focus—client needs, that is, the user of Government services, should be the primary focus of Government agencies;

fiscal discipline—all actions must be subject to rigorous evaluations of their fiscal implications;

high standards of staff expertise—appropriate levels of staff expertise determine how efficiently and effectively the Government can employ its resources;

clarity of objectives—clear, unambiguous and well-communicated objectives will give direction and allow targets to be set for the measurement of performance;

performance measurement and evaluation—these are critical to ensure accountability for program delivery;

management authority and autonomy—public sector managers must be able to get on with the job of managing; and

accountability—accountability should relate to results or outcomes and not solely to the resources consumed in the process.

The Strategy contains specific financial management initiatives for the Government for the next three to five years. Major components of the Strategy are:

adoption of an explicit client and regional focus in service delivery through the development of client service standards;

achieving better value-for-money through, among other things, establishing performance standards derived from best available practice and measuring performance;

creating modern management information systems based on the latest technology to allow managers to manage better;

being more accountable for performance; and

improving general and financial management expertise.

By embracing a true client focus, Government services can be delivered more successfully. Working with clients to establish client service standards which meet both the needs of the client and represent effective, efficient and economical use of the Government's resources is a challenge the Government embraces.

Resources of agencies will be closely linked to their performance through performance-based resource agreements. The Strategy foreshadows that Ministers and their departments will enter into a comprehensive resource agreement package which will explicitly link resources to desired outputs and outcomes. As well, benchmarking will become essential in the setting of targets and specific performance indicators, and ultimately, the resource agreements will require Ministers and their departments to commit to a package of explicit performance indicators which will be approved by the Cabinet Budget Review Committee.

In order to facilitate the proposed developments in performance management and in other initiatives contained in the Strategy, public sector managers need to be provided with complete financial information. Today, many governments are opting for accrual accounting to allow for the full costs of programs, services and products to be determined. (Accrual accounting is a methodology which enables the recording of economic events and other transactions as they occur, rather than when a cash flow occurs. Unlike cash accounting, it recognises non-cash transactions—for example, the cost of using a depreciable asset such as a building.) Accrual accounting will be introduced in Queensland departments on a staged basis over the coming three years.

The success of the Financial Management Strategy will hinge on the establishment and maintenance of high standards of managerial

and staff expertise. In this regard, training and development will be our most important investment in the coming years.

Mr Speaker, at the end of the day, sound financial management is the cornerstone of good government. The Financial Management Strategy puts in place a framework which supports a sustainable capacity for the Goss Government to continue to meet the needs of the people of Queensland and, further, to ensure services provided are the best value for money. I commend the contents of this document to honourable members.

MINISTERIAL STATEMENT

PSMC Investigation into Department of Family Services and Aboriginal and Islander Affairs

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (10.06 a.m.), by leave: Honourable members would be aware that on 12 May 1994 the Public Sector Management Commission commenced an investigation into aspects of the operations of the Department of Family Services and Aboriginal and Islander Affairs. The decision by the chair of the Public Sector Management Commission to authorise the investigation was partly in response to a statement of complaint from Mr Les Malezer, head of the Division of Aboriginal and Islander Affairs.

On commencing the investigation, a commitment was given to provide a report by 22 June 1994. That report has been prepared and has been submitted to the Machinery of Government Committee. I now table the summary report, which includes key findings and recommendations.

Honourable members will be aware that, over the past four years, my department and I have been systematically transferring functions from my department to the relevant functional departments of Government. This policy aims to ensure that Aboriginal and Torres Strait Islander people receive the same standard of service as that enjoyed by all other Queenslanders. It means that the expertise available in the functional departments of the Queensland Government can be utilised appropriately to the benefit of Aboriginal and Torres Strait Islander people in an equitable manner.

For example, this has meant that health services for Aboriginal and Torres Strait Islander communities are now provided by the Department of Health, supported centrally by a specialised Aboriginal Health Policy Unit. Housing is now delivered through the Queensland Department of Housing, Local Government and Planning. Electricity is provided to communities through the auspices of the Queensland Electricity Commission. The Department of Transport manages roads and other transport infrastructure in remote communities. The supply and reticulation of water is managed by the Department of Primary Industries through its Water Resources Group.

In view of these changes, the investigation has been timely so that a new and more appropriate organisational structure can be considered by Government to bring the administration of Aboriginal and Torres Strait Islander affairs into line with contemporary thinking. Having considered the options set out in the report, an implementation team will be established to progress the changes. The report, in addition to canvassing options for organisational structure for a specialised Aboriginal and Islander Affairs unit of the public sector, also recommends that the head of the Division of Aboriginal and Islander Affairs should not remain in that position. I understand that the chair of the PSMC is today making contact with Mr Malezer, who is currently on sick leave. The Chair is providing him with a copy of the report, and is inviting Mr Malezer to meet with him as soon as possible to discuss his future options.

MINISTERIAL STATEMENT

Overseas Visit

Hon. M. J. ROBSON (Springwood—Minister for Environment and Heritage) (10.09 a.m.), by leave: Between 1 May and 15 May this year, I undertook a two week inspection tour of six European countries looking at waste management, contaminated land and sewage issues. I was accompanied on that trip by my director-general, Dr Craig Emerson, and my media adviser, Mr Barton Green.

We visited Sweden, Denmark, France, Holland, Germany and England. I was particularly interested in looking at processes and techniques that could be adapted or adopted for Queensland conditions. I was also interested in learning about the failures, as well as the successes.

The trip was a tremendous success. In Sweden, we met with the Swedish Society for the Conservation of Nature; Stockholm Water, a water supply and sewerage utility owned by the Stockholm City Council; and, in southern Sweden, we visited the town of Malmo to inspect the South West Scania Solid Waste Company. Our discussions in Sweden ranged from the use of phosphates in detergents, the use of nutrient-rich sewage sludge as fertiliser on farms and the

incineration of domestic waste to create heating and electricity.

Stockholm Water told me about the 1990 clean-up campaign it ran to encourage the community to use fewer detergents and also to deposit solvents, paints and chemicals at appropriate collection points around that city where they are collected by a public company which treats and disposes of them. The Malmo facility we inspected was an excellent example of a regionalised approach to the treatment and management of waste by municipal councils. In Malmo, 50 per cent of domestic waste for the region is incinerated, and this generates about 20 per cent of the heating needs for the district.

In Denmark, we visited Kruger Systems, the Hydraulics Institute, the Water Quality Institute and the Danish Environmental Protection Agency. Kruger told us about an economical system that it has developed, called Bio-Denitro, which provides tertiary sewage treatment in one step in a single plant designed for between 20 000 and 120 000 people. This sort of system could have a number of applications in Queensland, and I have sought a meeting with the Local Government Association of Queensland in order to introduce it to this and other concepts from my trip.

In France, we met with senior representatives of the Ministry of Environment and French water company Lyonnaise des eaux Dumez. One of the more interesting comments we heard from the Ministry official was that Paris considered itself lucky that only recently had the River Seine been able to have fish kills again. It has previously been so polluted that no fish could live in the river. The Ministry also told us of a new water law which has strengthened the sanctions against elected councils.

Associations of fishermen, via the Ministry of Justice, have brought an action under this legislation which saw two mayors personally condemned because they did not carry out essential works. One was fined and the other received a suspended prison sentence.

In the Netherlands, we met with an organisation called AVR, in Rotterdam, visited a contaminated site clean-up in the Hague and met with Water and Environment Ministry officials from the South Holland provincial government. The Shell service station site that we visited was conducting compulsory remediation of contaminated land on-site.

There are 100 000 contaminated sites in the Netherlands. Of these, 80 000 are operating sites and 20 000 are dormant. The Shell company has 800 sites which must by law be cleaned up by the year 2000. The cost of the traditional remediation method of excavating a site and removing contaminated soil is about $150 per square metre. The in situ remediation technique costs about $75 per square metre.

In Bonn, Germany, we met with senior members of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, inspected an advanced waste water treatment plant and met with senior members of Duales System Deutschland, the Government agency established to manage recycling. Germany has a packaging ordinance which states that every company which packages a product and/or markets packaging material must collect that material and recycle it. This market economy instrument means that industry must regulate and control the collection and reuse or disposal of packaging.

For example, in Germany toothpaste is not sold in a cardboard box. The tubes are the only packaging. Retail stores provide tables for customers to unwrap purchases before leaving the store and provide bins for the deposit of the packaging. This is collected for reuse or disposal. This recycling principle has now been extended to cars, electronics and batteries. For example, the manufacturer of a car must, at the end of the car's life, provide a depot for the car to be returned and it must then recycle and/or dispose of all component parts.

One of our most interesting discoveries was that in Germany plastic producers have banded together to form a company to recycle plastics. There will be 320 000 tonnes recycled in 1996. One process has been developed to create oil from plastic. This oil is returned to refineries and introduced into the normal refinery processes.

Germany believes that the issue of plastics recycling will be solved in the next three to four years. They have a number of new systems in place. One is a closed system to incinerate all types of plastic. There is no venting to the atmosphere and no need to sort or separate the different plastics. Another process called hydrogenation produces a syncrude oil from plastics.

In London, we met with the Under-Secretary of the Department of Trade and Industry, executives from the Department of Environment and a Director from British Water. Since our return, dozens of documents have been sent to my office and will form part of my department's reference library. A full report on the trip is being provided to my department for analysis and is available to any interested members.

I would like to conclude by thanking Michele Sheumack, from my Waste Management Branch, for painstakingly overseeing the itinerary, the Australian Ambassadors to Denmark, France and Germany and their staffs, the Queensland

Agent-General to London, Mr Ray Anderson, and the British Foreign and Commonwealth Office for their support and assistance on this trip.

ANTI-DISCRIMINATION AMENDMENT BILL

Remaining Stages; Abridgment of Time

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (10.16 a.m.), by leave, without notice: I move—

> "That so much of the Standing and Sessional Orders be suspended to enable the Anti-Discrimination Amendment Bill to pass through all its remaining stages at this day's sitting."

Mr FITZGERALD (Lockyer) (10.16 a.m.): The Opposition will be opposing the suspension of Standing Orders on this occasion. We do understand that the Minister has some problems and that the legislation has to be passed by 30 June. But this highlights the mismanagement of this Government, particularly with regard to the drafting of legislation to come before Parliament. The Government has known about this problem for a couple of years.

Government members interjected.

Mr FITZGERALD: This matter has been discussed for a couple of years. Why did the Government not introduce the Bill earlier? Before this week's sitting, the Parliament was rising at 6 o'clock night after night. There was no business before the House. The Government had to bring on special debates. It was hopeless. This amending legislation should have been introduced into the House then. The Government has given us two days in which to examine the Bill. It looks like a simple little Bill, but who the hell would trust the mob opposite after what they have been doing over the past couple of days.

The Government members have said, "Trust us." I think this highlights the Government's mismanagement. It cannot even handle the introduction in the House of a simple piece of legislation. The Standing Orders state that the legislation has to lay on the table of the House for seven days before it can be debated. We have that convention for very good reasons. The Government has to have this legislation passed by 30 June. It could not organise itself. Therefore, we will be voting against the suspension of Standing Orders.

Mr BEANLAND (Indooroopilly) (10.17 a.m.): I rise to speak on the motion moved by the Leader of the Government Business. As the member for Lockyer indicated, this has been totally unnecessary. One would have expected that, if the Government were half as clever as it tells the State, the people and this Parliament that it is, this matter—and it has been around for over two years—would have been rectified some time ago. The legislation has been in place for over two years. Obviously, the issue is well known to the Government, to the Minister and to the Attorney-General.

Clearly, no reason has been given by the Leader of Government Business for why there was a delay, why there is now a rush, and why the Government allowed itself to get caught up in this incompetence and mismanagement.

Mr Mackenroth: You have been fully briefed, I understand.

Mr BEANLAND: I am happy to respond to the Minister's interjection, even though it does not really relate to this topic. I was briefed about this matter a couple of days ago. I thank the Minister for allowing the director-general of his department to brief me on this issue. I appreciate that. But in no way does that overcome what we are talking about here.

The director-general briefed me about the amendment needed to the legislation. But that is no excuse for the Government's incompetence. I was not given any reason either as to why the delay occurred or why the legislation was not amended over the past two years. During that time, many of us have received complaints about this section. I am quite aware——

Mr SPEAKER: Order! I will not allow the member to debate the Anti-Discrimination Bill. I will draw the line at that.

Mr BEANLAND: My concern today, as the member for Lockyer has indicated, is that we have not had six clear days in which to examine the legislation. There has not been sufficient time for members on this side of the Chamber to adequately consult the community and to ensure that there are no errors or problems associated with this amendment. That is the reason for Standing Order 241 (d). It allows members to consult the community, receive feedback and prepare for the debate.

I am sure that a number of members on this side of the Chamber who would have liked to speak in this debate will not have had time to prepare for it. The Labor Lord Mayor of Brisbane said that this Government is reminiscent of a fascist Government. Typically, it is riding roughshod over the Standing Orders. The Government has had ample time and ample opportunity to introduce this amendment. No reason and no excuses at all have been given for bringing this amendment forward today. One would have thought that the Leader of

Government Business would have come into this House today and gone through a list of six or seven reasons as to why there has been this delay. The Government has had two years' notice and it could not get its act together. It has failed.

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

AYES, 49—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Clark, Comben, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McGrady, Milliner, Nunn, Nuttall, Pearce, Power, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Warner, Welford, Wells, Woodgate *Tellers:* Pitt, Livingstone.

NOES, 31—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Simpson, Slack, Stephan, Turner, Veivers, Watson *Tellers:* Laming, Healy.

Resolved in the **affirmative**.

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

Report and Transcript

Dr CLARK (Barron River) (10.31 a.m.): I table the report of the Parliamentary Committee for Electoral and Administrative Review on issues arising from the closure of the Electoral and Administrative Review Commission. I also table the transcript of proceedings from the committee's public hearing with the EARC commissioners on 20 August 1993. I commend the report to the House.

OVERSEAS VISIT

Report

Mr WELFORD (Everton) (10.31 a.m.): In accordance with the requirements of the Members' Salary, Allowances and Services Handbook, I lay on the table of the House a report to the Parliament on my study visit to Malaysia in relation to energy policy matters.

QUESTIONS UPON NOTICE

1. Teacher Numbers

Mr QUINN asked the Minister for Education—

"With reference to the State Budgets from 1990 to 1994 which have allocated funding for an additional 1617 teachers and to the figures supplied by him to this House on 16 June 1994 indicating that from February 1990 to the end of June 1994, there has been a real increase of only 1158 teachers—

Will he explain why 459 teachers have not been employed?"

Mr COMBEN: I seek leave to table my answer and have it incorporated in *Hansard*.

Leave granted.

It would appear that the honourable member is still confused by the Department's and Treasury's use of Budget Control Limits (BCLs) when referring to teacher numbers and his belief that BCLs equals exactly the number of teachers on the payroll in any one week.

I refer the member to my answer to him in the House on 16 June and the lengthy discussion about this issue at the Estimates Committee hearing.

In particular, I remind the member that the Budget Control Limit (BCL) does not represent the number of teachers to be employed over a year or at a particular time in that year. The BCL for a particular region or for the entire State is derived by dividing the total budget allocation by a theoretical average cost per teacher. Thus the BCL is simply a management tool that indicates a theoretical limit on the number of teachers, of all types which might be employed through the year. It would only equate with the number of teachers if they were all on average salary, no long service was required, no sick leave, no LRTs, no DRTs, no inservice or teacher secondment were required.

It would also appear that the member does not understand the fluctuating nature of the Department's actual teacher numbers from week to week depending on a wide range of circumstances, such as enrolment increases or decreases. With a workforce of more than 27,000 the actual number of pay packets distributed in any pay period can vary by what would appear to be a significant number.

To illustrate the point and highlight that this fluctuation is not a recent phenomenon since the election of this Government, I am advised that in 1989 for the pay period ending 10 September 1989 there were 25,878 teachers employed but the following fortnight it dropped by 180 to 25,698 teachers. Neither figure however bore any relationship with the theoretical Budget Control Limits for the year.

I can advise the House that this Government has an unequalled record when it comes to the employment of additional teachers and as the Member acknowledges in his question this

Government over the past four years has significantly increased funding to employ extra teachers and meet the needs of Queensland's State school students.

2. Operation Ginger; Mr B. W. Hartigan

Mrs SHELDON asked the Minister for Police and Minister for Corrective services—

"With reference to an investigation being carried out by the professional standards unit of the Queensland Police Service—

Given that—

(1) This inquiry which began at least seven weeks ago is directed at the activities of an undercover police officer involved in Operation Ginger, which I raised in this House last week; and

(2) According to evidence given in Court, this operation involved a police officer stealing tyres in company with two others and that the proceeds were later split between the participants—

I ask—

Have charges been laid or police officers disciplined as a result of that inquiry and, if not, what is the status of the evidence heard in the District Court case against Barry Wayne Hartigan on 20 November 1992?"

Mr BRADDY: I inform the House that, to date, no criminal charges have been laid against any person as a result of the inquiry referred to in the question and no discipline charges have been laid against any police officer. However, investigations in this matter are continuing.

Barry Wayne Hartigan appeared in the Brisbane District Court on 20 November 1992 charged on 14 counts, including charges in which the covert police operative was present. Hartigan pleaded guilty to all charges, which were presented by indictment, and therefore no sworn evidence at all was taken. The prosecutor made submissions to the judge, Judge Noud, in respect of the charges.

3. Mr T. O'Meara

Mr COOPER asked the Minister for Police and Minister for Corrective Services—

"With reference to the decision to classify the convicted rapist and murderer, Troy James O'Meara, as a low security prisoner and permit him to work on the prison farm at the Lotus Glen Correctional Facility in Far North Queensland—

(1) When, by whom and on what basis, was this decision reached?

(2) Does he agree with this decision allowing a callous psychopathic rapist-murderer a comparatively easy life on a prison farm less than eight years after his life sentence was imposed?

(3) Will he table a transcript of the Judge's comments at the time of the sentencing of O'Meara on the murder charge and O'Meara's record of charges both prior to, and subsequent to, his incarceration on the charge of murdering Vanessa O'Brien in 1985?

(4) When will O'Meara be eligible to seek release to work and parole?

(5) How many convicted murderers serving life sentences in Queensland jails are classified (a) high, (b) medium, (c) low and (d) open security?"

Mr BRADDY: I seek leave to table my answer and have the contents incorporated in *Hansard*.

Leave granted.

In answer to the 5 part question on notice from the Honourable Member for Crow's Nest, I outline below:

1. The decision to reduce the prisoner's security classification from medium to low was taken at a meeting of the Queensland Corrective Services Commission Board on 19 January 1994.

This decision followed a submission compiled by the General Manager, Lotus Glen Correctional Centre, which recommended the reclassification.

Included in this submission was a transcript of the sentencing remarks by the judge, a copy of the sentence calculations, details of his breaches of discipline while incarcerated, a psychiatric report, and a series of reports detailing the prisoner's progress in terms of institutional behaviour.

The decision to approve the inmate's transfer to the Lotus Glen Correctional Centre farm complex was taken at a meeting of the Queensland Corrective Services Commission Board held on 18 May 1994.

The decision to approve the prisoner's transfer to the farm complex followed a submission by the Sentence Management Co-ordinator that the prisoner be permitted to progress from a secure custodial environment to an open security environment based on the progress reported in the above submission for reclassification.

The decisions were taken in accordance with all provisions and guidelines as set out in legislation, regulations and Commission Rules,

including the underlying responsibility of the Commission to ensure public safety.

2. It would be not be appropriate for me to publicly comment on every, or indeed any, operational decision made by a community based Board.

The Commission's policy since it's inception has been that these decisions are to be in the hands of community representatives, and no longer in the hands of bureaucrats and politicians as it was before the Kennedy Report.

It is a policy I support and I will not allow myself to be seen to be interfering with the proper decision making process now in place and returning such decisionmaking in these important cases to either politicians or public servants, as occurred for far too long under National/Liberal administrations.

3. Requests for transcripts of the judge's sentencing comments should be referred to the appropriate Minister.

Similarly, it is not my place to make public the criminal history of any person.

In the public interest I state that since his incarceration on 8 July 1985 the prisoner has been convicted on one charge of attempted escape, one charge of escape, one charge of unlawful use of a motor vehicle, four charges of assault and one charge of breaching the Prison's Act.

The most recent conviction for escape was recorded on 19 June 1989.

The most recent conviction for any offence by the prisoner related to a breach of the Prisons Act. The prisoner was convicted of this breach on 2 October 1991.

4. The prisoner will be eligible to apply for release to work on 8 March 1997, and parole on 8 July 1998.

Eligibility does not entail automatic release. The above dates are the earliest dates the offender will be considered for parole and release to work.

At that time decisions will be made as to the management of the offender in accordance with the proper guidelines.

It should be pointed out that under the Corrective Services Act (1988) introduced into the House by the Honourable Member for Crow's Nest when he was Minister for Corrective Services, there was no minimum period before life sentenced prisoners were eligible to apply for parole.

This Government introduced a 13 year minimum before life sentenced prisoners could apply for parole on 18 August 1990 by amendment to sections 166 & 182 of the Corrective Services Act.

5. As the Honourable Member for Crow's Nest knows, a life sentence is mandatory for all murderers.

As at 23 June 1994, there were 168 prisoners serving life sentences for murder in Queensland. Of these 43 had high security classifications, 58 medium security, 46 low security and 21 were classified as open security.

4. Cannabis

Mr COOPER asked the Minister for Police and Minister for Corrective Services—

"With reference to the National Task Force on Cannabis established by the National Drug Strategy Committee (NDSC) following discussion in April 1992 by the Federal/State Ministerial Council on Drug Strategy (MCDS) and which is expected to report next month to the MCDC on all aspects of cannabis use in Australia including health and psychological effects, legal options for dealing with this use, patterns of use and public perceptions of current relevant laws—

(1) Did he, at a meeting of the MCDS in Melbourne on 7-8 July 1993, table the Criminal Justice Commission Discussion Paper entitled, *Cannabis and the Law in Queensland*?

(2) Did he, at that meeting, undertake to make copies of this paper available to all NDSC members?

(3) Does he agree with the Chairperson of the NDSC, Dr Michael MacAvoy, who wrote in a letter to me dated 17 January 1994 that, 'The CJC paper is taken to be a comprehensive statement of the situation regarding cannabis and law enforcement in Queensland, and it was agreed that it should be acknowledged as such in the Task Force's final report'?

(4) Does this CJC discussion paper contain statistics that claim the Queensland cannabis industry, in street value terms, can be conservatively valued at $632.8m annually; that the crop is 70,900 kilograms and that it is second only in value as a cash crop to sugar?

(5) Were these the statistics on the extent of the Queensland cannabis industry first released by the CJC in March 1993?

(6) Did the Police Commissioner, Mr O'Sullivan, describe these statistics as

'rubbish', the chief of the Drug Squad, Inspector Roy Wall, describe them as 'wrong' and the Premier, Mr Goss, admit to being 'puzzled' when they were first released?

(7) At the time of the release of these statistics and following the denunciation of them by Commissioner O'Sullivan and Inspector Wall, did the CJC claim that Inspector Wall had, as a member of the Commission's Advisory Committee on Illicit Drugs, agreed with them prior to their release?

(8) Did he advise me in a letter dated 27 April 1993, that, 'This matter was referred to the Assistant Commissioner of Police Task Force, who has advised that Detective Inspector Roy Wall has been a member of the Advisory Committee on Illicit Drugs since November, 1991. During this time, Detective Inspector Wall made no contribution to research regarding the extent of cannabis use in Queensland, or the value of the cannabis industry to the State's economy' and, further, 'It has been pointed out by the Assistant Commissioner that Detective Inspector Wall does not endorse the remarks as published in the media in regard to cannabis being the second largest crop in Queensland, and disagrees with the suggestion that the cannabis industry has a significant effect on some local economies'?

(9) When tabling the CJC discussion paper at the MCDS in Melbourne on 7-8 July 1993 and/or when he met his undertaking to circulate it to all NDSC members, did he give any warning about, or qualification of, these statistics given the denunciation of them by Commissioner O'Sullivan and Inspector Wall?

(10) In light of the statement by Dr MacAvoy contained in Question 3, will he urgently notify the NDSC of the views of Commissioner O'Sullivan and Inspector Wall so that the NDSC does not remain under any false impression about the Queensland Government's view of the extent of the cannabis industry in this State?

(11) Why, in a letter to me dated 23 November 1993, did he refer to the National Task Force on Cannabis as 'the Commonwealth Government Task Force' given that he had attended the July meeting of the MCDS to which the Task Force will report?

(12) Why, also in that letter, did he write, 'The Queensland Police Service advises that no requests have been received by the Federal cannabis task force for information regarding the appropriateness of existing law enforcement measures or any other matters given that the Task Force Chairperson, Dr MacAvoy, advised me in his letter of 17 January 1994, that, 'The law enforcement sector in all jurisdictions (including Queensland, via the Queensland Police Service) are represented on NDSC, and as such, played a part in determining the membership and direction of the Task Force. In fact the former Queensland Police Service representative, Dr Monika Henderson, was invited to be a member of the National Task Force on Cannabis'?"

Mr BRADDY: An agenda item at the Ministerial Council on Drug Strategy meeting of July 1993 did concern the status of illicit drugs and the issuing of a direction statement by the Ministerial Council on Drug Strategy. During discussion on that item, at my suggestion the intended statement to be released on this subject was toughened in its opposition towards the liberalisation of drug laws. The inference from the honourable member's question seems to be that, on behalf of the Queensland Government, I was in some way supporting the CJC paper on cannabis. That is not so. As I have made very clear in the past and at that meeting, the CJC has a right to release the discussion paper. I said very strongly at that meeting that the intended statement seemed in its original form to give some comfort towards the liberalisation of drug laws and that I was very opposed to it. At my behest, as the records show, the direction statement was changed to make it very clear that we were not supporting liberalisation of cannabis or any other drug.

After this time, the meeting was made aware that the Criminal Justice Commission had recently released its discussion paper *Cannabis and the Law in Queensland* and that the paper could be obtained by any member of the National Drug Strategy Committee. The council was made aware that the CJC discussion paper on cannabis had only very recently been released and, as a result, there had been intense interest in the issue in Queensland. This reinforced the need for a clearly defined direction statement by the council, which was changed at my request to make it clear that the council was not supporting liberalisation of any drug. At no time was the

paper endorsed. It was purely incidental to the Government's and my views when arguing our position on the wording of the direction statement. However, historically, it was something that had been produced, and all members were entitled to be given notice of it.

The National Task Force on Cannabis, which is both funded and coordinated by officers of the Commonwealth Government, is expected to present a report at the next Ministerial Council on Drug Strategy meeting. It is therefore inappropriate to speculate on its contents. The CJC paper was produced as a discussion paper to facilitate public submissions. This Government has made it very clear that it is not a paper from our Government; it is a paper from the CJC. It contains a number of cautionary riders on both the views expressed and estimates contained in the paper.

The paper contained a number of estimates, one of which related to the cash crop value of cannabis in Queensland.

Mr Cooper interjected.

Mr BRADDY: I take that interjection. As I have indicated, the reports of that meeting make my views very clear. However, I am not in the business of censorship. In the course of the discussion, people wanted to know about the latest papers and discussions in Australia on this matter, and reference was made to it. However, both the Government's view and my view were very clear. As I said, I am not in the business of censorship.

Some preliminary findings were referred to at a seminar in March 1993. It should be noted that the discussion paper acknowledges on pages 58 and 59 that Police Service members on the CJC advisory committee disagreed with the estimations. That was part of the paper that was given to the council as a matter of history and as a matter of fact. It stated that the police in Queensland did not agree with the estimations. Inspector Roy Wall, who was a member of the commission's advisory committee on illicit drugs, did not make any contribution to the estimations in the paper, and he does not endorse the remarks in the media. There is no inconsistency within the Police Service and therefore no need to mention this point when referring to the discussion paper. It was clear from the paper itself.

When considering Queensland's involvement in the National Drug Strategy Committee, the roles of the National Drug Strategy Committee and the National Task Force on Cannabis should not be confused. The Queensland Police Service is actively represented on the NDSC, and the results of the task force report will be thoroughly analysed if and when tabled, as expected, at the next Ministerial Council on Drug Strategy meeting.

I conclude by affirming that the Queensland Government's position has been stated clearly by the Premier and by me on many occasions. No attempt by the shadow Minister to muddy the waters will confuse the Queensland people. We have made it very clear that the paper by the CJC is a discussion paper with no endorsement from us. We have made our attitude to the law relating to cannabis very clear.

5. Iron Range National Park, Road Construction

Mr LAMING asked the Minister for Environment and Heritage—

"With reference to her answer on 14 June 1994 to my question on notice regarding the construction of a road to give access for members of the Kuku Yau people to a temporary camp site at the mouth of the Pascoe River—

(1) Was the road, which is located in a national park, open for public use or was permission to use it only given to the Kuku Yau people?

(2) What permits were issued to those persons encamped on the site, what charges, rents or fees were paid under Section 35 of the National Parks and Wildlife Act and on what date were these permits issued?

(3) Can she advise if a claim has been made over this part of Iron Range National Park under the Aboriginal Land Act?

Ms ROBSON: I seek leave to table my answer for incorporation in *Hansard*.

Leave granted.

1. The new track deviates from an existing dedicated public road which runs approximately north from the Portland Roads road to the southern bank of the Pascoe River between Simson Hill and Barrat Hill. This existing dedicated public road is shown as a four wheel drive vehicle track on the "Cape Weymouth" Topographic Survey map. The Department intends seeking the support of the Local Authority and the Department of Lands to have the existing dedicated public road to the Pascoe River closed to public access. It is then intended that the old road and the new track will be accessed only by Departmental officers, for park management purposes, and the Kuku Yau people, to provide access to a temporary camp site established to enable them to research and prepare their land claim.

The decision by the Regional Director to approve construction of the track was made under the provisions of various sections of the National Parks and Wildlife Act, including Section 10, Section 11, Section 25, Section 32 and Section 35.

2. No permits were issued to the Kuku Yau people who might access this part of Iron Range National Park.

Section 35 of the National Parks and Wildlife Act provides *inter alia* for the Director ". . . to grant or make . . . authorities and agreements . . . subject to charges . . . and to such provisions, conditions and reservations . . . as the Director may determine."

The Regional Director, as delegate of the Director National Parks and Wildlife, reached an agreement with members of the Kuku Yau people and determined that no charges, rents or fees under Section 35 were appropriate. Therefore, no permits were issued. This is consistent with the Department's established approach to assisting traditional owners prepare their land claims.

3. There has been no claim lodged over this part of Iron Range National Park at this time under the provisions of the Aboriginal Land Act. The Kuku Yau people have advised they are intending to prepare and lodge such a claim.

As the Member for Mooloolah has been previously advised, Iron Range National Park has been gazetted as available for claim under the Aboriginal Land Act. The track gave members of the Kuku Yau people access to a temporary camp site which they have established on traditional lands along the coast south of the Pascoe River mouth. Permission to establish such temporary camp sites is given to assist traditional owners in preparing their land claims.

6. Sunshine Motorway

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

"With reference to the ongoing losses on the Sunshine Motorway—

(1) What is the average daily traffic count through the Mooloolaba Toll Plaza?

(2) What is the average daily revenue from the Mooloolaba Toll Plaza?

(3) What is the estimated annual operating costs of the Mooloolaba Toll Plaza for 1993-94, both including and excluding interest and redemption expenses on the Plaza's construction?"

Mr HAMILL: In response to the honourable member—the average daily traffic count through the Mooloolaba Plaza was 4 820 for 1993-94, and the projected figure for 1994-95 is 5 100, or approximately 6 per cent growth this year coming on top of strong growth during the last three years. The average daily revenue for 1993-94 was $2,500, and the projected daily revenue for 1994-95 is $2,700, or approximately $1m per annum. The estimated annual operating cost of the Mooloolaba Toll Plaza for 1993-94 is as follows—

Outlays	$481,000
Depreciation (non-cash)	$ 16,000
Total	$497,000

These figures reflect the direct operating costs of the Mooloolaba Toll Plaza for 1993-94. I point out that no additional indirect costs were incurred as a result of the opening of the plaza. It is not possible to provide figures that include interest. As the member would appreciate, below-the-line costs such as interest and amortisation are not dissected to this level, and any attempt to do so would necessarily be very arbitrary.

However, it is clear that the Mooloolaba toll collection point is making a growing and very positive contribution to the cash flow necessary to meet the Sunshine Motorway Company's financial commitments. This is in stark contrast to the "build now, pay never" approach taken by the last Government and in particular its finance Minister, who directed that the work on the motorway should proceed regardless of cost and regardless of the fact that no viable means of meeting those costs had been put in place.

QUESTIONS WITHOUT NOTICE

Queensland Treasury Corporation; Performance Dividend

Mr BORBIDGE: I ask the Treasurer: will he give an assurance that he will not impose his performance dividend or stealth tax on local authorities in three years' time?

Mr De LACY: I think I have probably said in this House before that I do not give assurances or guarantees to the Leader of the Opposition. I think I made it clear last night that I reached an agreement with the Local Government Association that the performance dividend would not apply or would be rebated to local authorities for a period of three years, and that after that time there would be a review. A review means exactly what it means, a review, and I would be the last person who would try to pre-empt the outcome of a review at this stage.

Mr P Egan; Golden Casket Art Union Office

Mr BORBIDGE: In directing a further question to the Treasurer, I refer him to his written answer yesterday in which he confirmed that the Golden Casket Art Union Office contracted with Janglass Pty Ltd for the supply of 100 J1000 on-line terminals at a cost of $662,000. I table Australian Securities Commission documents showing that Janglass has, as one of its directors, Paul Geoffrey Egan. I ask: is this the same Paul Egan, a former consultant and current Manager of Engineering with the Golden Casket Office and, if so, how does the Treasurer justify the granting of a $662,000 Casket Office contract without tender to a Casket Office insider?

Mr De LACY: My understanding is that Mr Egan now works for the Golden Casket Office but did not at that time, so he has been subsequently employed.

Mr Borbidge: Was he ever a consultant?

Mr De LACY: I am answering the question. As to the tendering process—I said in my reply yesterday that the Golden Casket Art Union Office did not call for tenders because of the sensitive commercial information that was involved, but before that decision was made, it was checked with the Auditor-General and the process was okayed by the Auditor-General. Subsequent audits by the Auditor-General have confirmed that position.

Private Training Providers

Mr PITT: I direct a question to the Minister for Employment, Training and Industrial Relations. The Minister was recently at the Gold Coast addressing a conference of private training providers where he spoke of the State Government's commitment to a competitive training market. I ask: could the Minister detail those steps and explain the rationale behind them?

Mr FOLEY: The rationale is that the training should meet the needs of industry and students rather than merely suiting the convenience of training institutions, whether TAFE or private training providers. To that end, $7.5m has been provided in Government training funds to be available for bidding by private sector training colleges and companies in 1994-95. I was pleased to attend the national conference of the Australian Council for Private Education and Training at the Gold Coast on 17 June, because the increasing need in the training market is that it should be regarded from the demand side rather than simply from the supply side. What that means in practical terms is that the provision of training has to become more responsive to the needs of industry and to the needs of students, and to that end, the funding of $7.5m by the Government for competitive bidding is a significant increase on the $2m that was provided in 1993-94. What that means in practical terms is that in 1993-94, more than 1 000 student places were offered in that competitive tendering pilot to enable things like certificates in food processing, occupation studies, tourism and hospitality, business studies, engineering and production. All of this, of course, is just part of the $452m made available for vocational education and training in Queensland in 1994-95.

It is significant to note that the recent report to the Council of Ministers responsible for the Australian National Training Authority focused on the need to make the training system more responsive to the needs of its users, and in this respect, Queensland well and truly leads the way.

Fraser Island Wilderness Club

Mr PITT: I ask the Minister for Environment and Heritage: can she inform the House whether or not a scheme proposed by the Fraser Island Wilderness Club to establish a time share arrangement on land at Orchid Beach will be a legitimate investment for members of the public?

Ms ROBSON: I thank the member for the question. It is an issue of concern to us that this organisation calling itself the Fraser Island Wilderness Club is proposing a time share type arrangement on three blocks of lands at Orchid Beach. My department is certainly not directly involved in any approval process for such a development, nor does the Great Sandy Region Management Plan contain specific provisions relating to that proposal. However, the proposal is being promoted on the basis that my department has taken or may take certain actions with regard to the management of Fraser Island. The proposal document states that there is a pending closure of Fraser Island north from Indian Head to the general public, except for residents, landowners and tour operators. That statement is entirely untrue, it is deceptive and it may mislead potential investors into contributing to this scheme.

Despite claims to the contrary in the time share proposal, the Great Sandy Region Management Plan does not propose to close areas north of Indian Head to the general public except for certain small sections of the beach—and those sections of beach have been publicly disclosed—nor does it intend to treat land-holders in a manner different from the rest of the community. The time share proposal document implies that the scheme has been discussed with the Government and with the

relevant local authority. I can assure honourable members that that is not the case. My department has not officially been consulted regarding this proposal.

I am advised that the Hervey Bay City Council has not formally provided the proponents with advice on the requirements of that council's planning scheme. Discussions between officers of Hervey Bay City Council and my department have revealed that the proposal may in fact conflict with the existing town planning scheme for Orchid Beach. Any rezoning application to allow the proposed use would need to be assessed by both the local authority and the Queensland Government. The proponents have been advised of these issues on the basis that there appears to be some likelihood that the scheme may not be able to be carried through to finality in its current form. The Department of Consumer Affairs has also been advised of that doubt. However, I wish to alert the community to the nature of these sorts of time share proposals, particularly in areas that are being managed by the Government such as that very sensitive area of Fraser Island. As I have said in this House before, we intend to manage that area significantly better than it has previously been managed to preserve its values and enhance the wilderness component of that area, and any proposal of this nature would in fact be subjected to close scrutiny.

Queensland Treasury Corporation; Performance Dividend

Mr SANTORO: I direct a question to the Treasurer. From the last annual report of the Queensland Treasury Corporation I table a list of 35 Queensland-based organisations with QTC loans worth a total of $1.5 billion which are still required to pay the performance dividend. These include the Gateway Bridge and the Sunshine Motorway, water boards, river improvement funds, port authorities, Grainco, universities, the Toowoomba Grammar School, the Lang Park Trust, the Brisbane Cricket Ground Trust and even a caravan park.

I ask: what is the total amount that these Queensland organisations will pay to this Government through the revised performance dividend, and will the Treasurer explain why they have been selected for such discriminatory treatment? Will the Treasurer give the organisations the same three-year exemptions now provided to local authorities?

Mr De LACY: The honourable member should have been here for the debate last night. He could have asked those questions then.

Mr Santoro: We want you to answer it right now.

Mr De LACY: I will answer it. Nothing exposes more than this debate the sterility and the impotence of the Opposition. Opposition members do not know what their position is. The first thing they said was that it is a big backdown. Now they are saying that it is a dreadful piece of legislation and it is going to change the world as we now know it. They do not know which position they are in. They lectured us for days. They said, "You have to get out and talk to the Local Government Association."

When we did reach a compromise with the Local Government Association, Opposition members were outraged. Nothing exposes more their irrelevance than the comments they make about Bill Ludwig. They said that Bill Ludwig is responsible.

Mr Santoro interjected.

Mr SPEAKER: Order! The member for Clayfield!

Mr De LACY: Can one imagine any other Opposition in Australia or in the world not trying to take credit for having some change? They have even recognised themselves that they are irrelevant to the process. They are the ball boys in the game of political football in Australia. All they do is run around, picking up the ball and trying to kick it back into the field, and nobody takes any notice of them.

As to the question asked by the honourable member in respect of statutory authorities—the legislation enabling the performance dividend was passed by this Parliament last night. During that debate, I spent a lot of time explaining to whom it will and will not apply. Nothing I said last night has changed today. I know it would be a very big order for somebody such as the honourable member, but he should read the *Hansard* record of the debate.

HOME Program

Mr SANTORO: In directing a question to the Minister for Housing, Local Government and Planning, I refer to his Government's disastrous $1.5 billion mimicry of Neville Wran's even more disastrous Homefund Scheme and his decision to now scrap the HOME Program with an announcement of a replacement in the next two or three weeks. I table a copy of a *Quest* community newspaper within which the Minister provided that exclusive announcement.

Given that there are 3 225 families in arrears under the HOME Rental Purchase Scheme, many of whom have been driven deep into debt by arrangements that his Government put in

place, I ask: now that the Minister has acknowledged the hardship his scheme has created, will he give a commitment to those families that they will not lose their homes? Will the Minister confirm the reports that I have just tabled that he will scrap the HOME Scheme?

Mr MACKENROTH: The honourable member probably should talk to the shadow Minister for Housing, who I believe is also quoted in that story as criticising us because the HOME Scheme made a profit. The honourable member is trying to compare HOME with Homefund, which made a $400m loss. The Opposition's own Housing spokesman criticises me because we made a profit through HOME.

Mr Santoro interjected.

Mr SPEAKER: Order! I warn the honourable member for Clayfield.

Mr MACKENROTH: The only thing exclusive about that story is that the *Quest* newspaper decided to put "Exclusive" on the banner of it. A year ago, I announced that we had made changes to the HOME Scheme and that those changes——

Mr Borbidge interjected.

Mr SPEAKER: Order! The Leader of the Opposition!

Mr MACKENROTH: A year ago, I announced that we had made changes to the HOME Scheme because inflation and interest rates had come down and that we would develop a new product. That is what we have done. We will shortly be announcing the details of that new product.

The second part of the honourable member's question related to the number of people in arrears. I have already provided all this information to Opposition members, so that is how they can ask me about it. I have nothing to hide. If the honourable member wants to be honest, he should bring out all the statistics. The statistics that have been provided show that the greater percentage of people in arrears with their home loans are people who are paying off their loans under the former Government's Interest Subsidy Scheme.

The Interest Subsidy Scheme—if members opposite can remember it—was one under which people paid no more than 25 per cent of their income, irrespective of the interest rate. When repayments are higher than 25 per cent of income, the Government subsidises it. I think that to this date about $130m has been paid to subsidise those people's loans. But there is a greater percentage of those people who are in arrears. I think one has to be realistic when one looks at this. The market to which we are providing housing assistance is a market of people who cannot get finance through traditional areas.

Mr Santoro: They're going to lose their homes.

Mr MACKENROTH: They are not going to lose their homes. As much as the honourable member would like to see them lose their homes——

Mr Santoro interjected.

Mr SPEAKER: Order! The member for Clayfield has already asked his question.

Mr MACKENROTH: As much as members opposite have tried to put down the housing scheme—in the last financial year, we have refinanced about 800 people who had loans from banks and building societies that were going to foreclose on them. In fact, our scheme has helped those people to keep their homes. Our Government stands behind the HOME Program, which has enabled 17 000 Queensland families to enjoy home ownership. That would not have been possible without HOME. We are going to bring in a new product, and that is a product for today's market.

Queensland Treasury Corporation; Performance Dividend

Mr LIVINGSTONE: I ask the Premier: does the Government still support the fundamental policy of charging local authorities a performance dividend for borrowing through the Queensland Treasury Corporation?

Mr W. K. GOSS: I am pleased to get a question from the Deputy Whip. I have been here for about two weeks, and the alternative Premier has been hiding over there without the courage or the wit to ask a question.

Mr Borbidge: Where were you last night?

Mr W. K. GOSS: I was in my room last night at about 10.30 when I heard the Leader of the Opposition——

Mr Santoro interjected.

Mr SPEAKER: Order! I warn the honourable member for Clayfield under Standing Order 123A. He has not stopped interjecting all morning. This is his final warning.

Mr W. K. GOSS: Last night, I was in my room listening to the Leader of the Opposition railing and fulminating and saying, "Where is the Premier?" I got in here about 10 minutes later, and he did not say a word. I say to members opposite, "The Leader of the Opposition might be able to hide here in question time, but between now and the next election, from Burdekin to Burleigh, from Aspley to Charters Towers, we will hang him around your neck, and

you will not be able to run and hide with him hanging around your neck."

On this particular matter, I want to take issue with the Treasurer on one point that he made. The Treasurer compared Opposition members with ball boys. I do not agree. That puts it much too high. They are more like the clowns and acrobats at half-time, the sorts of people whom one watches if one does not want to go and get a pie or a drink. If honourable members want to use the football analogy, the bottom line on this policy and this issue is: look at the scoreboard. The performance dividend legislation has been passed. The performance dividend is in place. The performance dividend will be levied on local authorities. The only difference is that, for three years, it will be rebated. The local authorities will not get the money back. It will be rebated against their debt. That is the position.

In answering this question, I indicate my full support for the Treasurer and for the comments and speeches that were made by Government members in the debate on the Bill. The essential points that they made were all valid, are all correct and still stand today, namely, that the principles are correct; the campaign against it was dishonest and misrepresented the position.

In terms of the compromise that was reached by the Treasurer and the Local Government Association yesterday, I say this: late yesterday afternoon as I came out of a conference, I was approached by the media and asked for my view on the performance dividend issue. I said to the media then publicly and I say again today that I was quite happy for the matter to be fully discussed and debated at the forthcoming ALP conference because my view is that people who have expressed views about it, particularly members of the Labor Party who will attend that conference, did not have the opportunity to listen to the good arguments. I would have welcomed the opportunity to have it out at the conference. That was my view. That remains my view.

Last evening, the Treasurer told me that he was concerned about the deterioration in the relationship with the Local Government Association and that he thought he could achieve this compromise and asked me for my support on it. I indicated to him that it was my preference not to compromise. However, I listened to his arguments, I accepted them and was prepared to back him in the circumstances. Honourable members should understand this: the performance dividend legislation has been passed. It is in place. It will be applied. For three years, it will be rebated off the debts of local authorities. They will not get the cash back. Although the outcome involves the addition of a compromise, it essentially leaves the legislation in place. Nothing has changed and nothing underlines more the irrelevance of the members opposite. I note that, for all their concern, the shadow Treasurer did not turn up yesterday. She went to a Liberal Party meeting instead.

In relation to the performance dividend—people must understand that the legislation is passed. It is in place. It will be applied. It is not the only place where a performance dividend applies. A performance dividend applies in this place. In conclusion—in terms of Government guarantees, I give this guarantee: Mr de Lacy will be the Treasurer for much longer than Mr Borbidge will be the Leader of the Opposition.

Operation Noah

Mr LIVINGSTONE: I ask the Minister for Police and Minister for Corrective Services: can he inform the House of the results of the Queensland Police Service Operation Noah?

Mr BRADDY: "Noah" stands for narcotics, opiates, amphetamines and hashish. The annual operation seeks information from the public about illegal drug use in the community. As honourable members are aware, people are asked to dial a Statewide toll-free number with the information. The 1994 Operation Noah took place on 18 May, with information this year being sought particularly about the manufacture and trafficking of illegal amphetamines. The results of this year's exercise have recently been tallied and have been described by the police as very encouraging. The exercise proved so successful that, on occasions, the phone lines were jammed. As a result, next year more telephone lines will be installed for the operation.

The inspector in charge of Operation Noah described the information obtained this year as excellent and of a very high standard compared with that obtained in previous years. Much of the information received has already been corroborated by other intelligence agencies. Despite claims that Operation Noah simply victimises cannabis users, more than 65 per cent of this year's calls related to the actual supply of drugs rather than simple possession. For example, in terms of supplying—1 361 pieces of information related to supplying, 655 to use, 276 to cultivation, 29 to manufacturing, 35 to importation and 23 to "other", compared with only 132 for possession.

Despite the few critics who try to detract from its effectiveness, there is no doubt that Operation Noah still serves a very good purpose in the community. In recent years, there has been a definite shift in public attitude against the

illegal drug trade, as more and more people realise the pervasive impact that drugs have in our society. That fact has been recognised by the Government, with increased resources allocated in recent Budgets to the police Drug Squad. Making, buying and selling drugs is not a victimless crime. Therefore, no shame is attached to dobbing people in. I congratulate all the police involved in Operation Noah and thank Telecom Australia, the Queensland media and honourable members for their assistance in publicising the event.

J1000 On-line Machines

Mr GRICE: In directing a question to the Treasurer, I refer to the $662,000 contract given to Casket Office insider Paul Egan for supply of the ill-fated J1000 on-line machine. I also remind the Treasurer of a memo sent to him by Casket Director, Kevin Leyshon, which I now table, in which Leyshon described the J1000 as "developed by the office for the office". I ask: how much of the $662,000 contract price paid to Egan was a windfall based on the fact that the design work was done by the Casket Office, and was any of that development work done by Egan himself as a consultant to the Casket Office?

Mr De LACY: The honourable member can be absolutely reassured that, in respect of the tender that was issued for the purchase of the J1000s, there was no windfall to anybody. I can assure him that it is not Treasury's style to give anybody a windfall. I have looked at some figures. For some time, the honourable member has attempted to criticise the J1000 and make all sorts of allegations about impropriety, which is not unusual for him.

During the time that the J1000s were being used by the casket agencies, the revenue from the sale of casket agency products increased by approximately $150m per annum. How the honourable member can imply that those machines did not do what they were designed to do, I do not know. I simply say that that was part of the evolution of a very modern, technologically advanced system for the registration and the sale of casket products in Queensland.

J1000 On-line Machines

Mr GRICE: I refer the Treasurer to the failed J1000 on-line machines that have cost the Golden Casket a total of close to $1m, and I ask: will he tell the Parliament the fate of about 40 of those machines, which were taken from the Golden Casket office at Woolloongabba at 10.30 a.m. yesterday in a Queensland Government truck?

Mr De LACY: The member would have to give me the registration number of the truck and whether it was a male or female driver. It is a fair question, but I cannot answer it. I have no idea.

Coolangatta Beat Policing Initiative

Mrs ROSE: I ask the Minister for Police and Corrective Services: could he advise the House as to details of the recent beat policing initiative in Coolangatta?

Mr BRADDY: The beat policing project, which has grown out of several initiatives, has been very important. In Toowoomba, resident police have engaged in the police beat project. Such police beat projects have arisen out of the shopfronts initiative, which involves police operating from fixed or flexible shopfronts.

Certainly, the police beat project, which occurred at Coolangatta, has been of great interest. As an initiative to achieve more effective policing, recently, foot patrols were commenced as a supplement to mobile patrols. The patrols are performed in this manner: car crews go to designated locations, park the police vehicle, get out of the vehicle and perform foot patrols and, in the course of those patrols, speak to local business people and other people in the community as their work permits. The officers carry a hand-held radio to remain in contact with headquarters if it is necessary for them to be recalled to mobile patrols. In addition, the foot patrols are supplemented by a crime car, which is staffed by an experienced detective and an officer from the Burleigh Heads Police Station, together with another officer from the Coolangatta Police Station. The car is used as an immediate response vehicle, and as a support car to mobile and foot patrols.

As a result, the police foot patrols are patrolling the Coolangatta and the Palm Beach central districts, the Tugun shopping centre and The Pines shopping centre at Elanora. Those locations have all been targeted for this type of policing. It is acknowledged that foot patrols have alleviated the incidence of offences such as wilful damage, particularly in relation to spray-painting vandalism. In fact, this initiative has been welcomed very much by the people in Coolangatta and, on many occasions, its success has been relayed verbally to police by local residents and business identities.

I believe that the experience gained by the foot patrol initiative in Coolangatta will be of great interest, and will be able to be put to good use in other parts of Queensland.

Port of Brisbane

Mrs ROSE: I ask the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development: could he inform the House of the role the port of Brisbane is playing in developing trade with Asia?

Mr HAMILL: Last week, when we were discussing the Budget Estimates, the member for Gregory asked me a question that caused me to comment upon the growth that was taking place in the ports along the Queensland coast. Part of that substantial growth is, of course, happening in the port of Brisbane.

In fact, over the last six months, trade at the port of Brisbane alone has increased by some 14 per cent. In the six months prior to December last year, over eight and a half million tonnes of cargo was handled at the port.

At a time when a number of other major ports in Australia are actually seeing their container handling rate decline, I think that a very worthwhile point to make is that the situation at the port of Brisbane is exactly the opposite. In fact, that growth has continued. The most recent figures indicate that a further 5.5 per cent growth in container traffic at the port of Brisbane brings container traffic at the port to a point exceeding 113 000 TEUs.

Interestingly, in terms of the composition of that trade, almost 63 per cent of that container traffic is with Asia. That highlights the importance of our Asian trading connections for the regional economy in south-east Queensland. As I said, Asian container traffic comprises almost 63 per cent of the total but, added to that is trade with New Zealand and the Pacific, which is a further 12 per cent, which means that three-quarters of the trade in and out of Brisbane is with our near neighbours. The initiatives that this Government has put in place in focusing on trade development in our region, that is, north east, east and South East Asia, is generating additional traffic to the port of Brisbane.

I mentioned before the success that the port has had, particularly in relation to cotton exports. The port of Brisbane has fought very hard and very successfully for that trade against competition from Sydney. It has won the lion's share of that trade, which is important.

The other infrastructure developments that are important to the port of Brisbane, to wit the standard gauge rail link and the Government's commitment to upgrading other land infrastructure into the port, all assist the expansion of the port of Brisbane. They underline the significance of the port of Brisbane as truly a gateway port for Asian trade from northern Australia. When it comes to shipping steaming time, the advantage that Brisbane has over Sydney and Melbourne will be only further exaggerated with the completion of that important land base infrastructure, which will enable further Asian trade to develop in this part of Australia.

Abeltex Glazecoat

Mr ROWELL: I refer the Minister for Administration Services to the concern in north Queensland and elsewhere that a floor treatment, Abeltex Glazecoat, long in use in Queensland's school and other public buildings, including hospitals, may be a health hazard, and I ask: as well as the current ban on any further use of this product, what action is the Government taking to determine whether growing health concerns in relation to the covering are justified? Is the Minister conducting any audit of Queensland's public buildings to determine those which have this covering on them.

Mr MILLINER: In answer to the second part of the honourable member's question, it is fair to say that most public buildings contain that particular product. At this stage, the department is not undertaking an audit to identify exactly which buildings contain this product.

There were some problems with this particular product in Herberton and Ravenshoe in north Queensland. As a result, my ministerial colleague Mr Comben and I were very concerned and directed that the matter be investigated.

The company, ICI, carried out tests and investigations. We also engaged an independent person to carry out tests to ensure the independence of that investigation, and the Division of Workplace Health and Safety also carried out tests. The Division of Workplace Health and Safety indicated that there were some problems with the product. However, it indicated that the emission of the odour was below national and international standards. That was confirmed by the independent consultant.

However, we were still not satisfied. As a result, a couple of days ago, the independent consultants and officers of my department had a meeting in north Queensland at which a satisfactory resolution was reached with the P & C and other concerned people in the area. A process will be undertaken at the Herberton school to try to overcome the problem. It will be monitored very closely by everyone concerned.

However, I think that it is fair to say that this product has been used for about 20 years throughout Australia and New Zealand. There would have been tens of thousands of applications of this product throughout Australia and New Zealand, and the number of complaints

that have been received about it have been very, very, small indeed.

Allegations are now being bandied around, but they have not been substantiated by the person who is making them. However, the Government is treating this matter very seriously, and will continue to monitor the situation.

Floor Coverings in Schools

Mr ROWELL: In directing a question to the Minister for Education, I refer to the problems being experienced in schools as a result of defective floor coverings, and to my personal representation to the Minister on behalf of a cleaner at the Feluga State School, and I ask: how many schools could potentially experience problems with this floor covering, and when will the Minister take the action that is necessary to rectify this problem?

Mr COMBEN: Effectively, the member has asked two questions. As to the number of affected schools—my colleague has just said that nationally tens of thousands of buildings are affected. My immediate thought was that that was probably conservative. This product has been used across Australia, and even in New Zealand, for 20 years. There would barely be a public building anywhere in Australia that does not have this product.

Mr Rowell: But there are problems in schools.

Mr COMBEN: In some specific instances, there may some problems. We are doing everything that we can to get on top of them, and that was detailed by the Minister for Administrative Services.

What will we do in the specific instances? We will continue to get on top of each one. There are tens, if not hundreds, of applications, yet the Opposition says, "This product is difficult." It is always easy for an Opposition to say such a thing. I have the covering in my kitchen. The covering for cork kitchen floors is the same product. We used to have chipped stone under the house, but we have changed that, although not because there was a problem. So it is everywhere. We have now perhaps a dozen cases at which we are looking and where there seems to be something substantial.

I am aware of the problem that the member has raised with me in relation to the Feluga State School. We are looking at that case and at every other case. We will continue to do that. But we cannot generalise, as the member has just attempted to do.

Regional Lodgement of Titles

Dr CLARK: I ask the Minister for Lands: can he outline the costs associated with the regional lodgment of titles?

Mr SMITH: The member for Clayfield is fortunate that the member for Barron River is a compassionate soul with a formal qualification in psychology. Following reports from his colleagues, she has recognised that the insomnia he is suffering is as a result of concern over expenditure on titles offices outside the south-east corner, so she has asked me to provide some information to give him some chance to restore his health.

There are now 15 offices in Queensland that accept titles for lodgment, the last one to come on line being at Gympie. I will give the member the figures for May, the latest figures, which will demonstrate the booming nature of the property industry in Queensland. The member has asked for these figures, so he will hear them.

In Cairns, there were 714 lodgements; Mackay, 630; Townsville, 5 376—I might add that that figure includes some lodgments for Cairns and Mackay and west to Mount Isa—Rockhampton, 1 827; Maryborough, 540; Bundaberg, 525; Caboolture, 246; Nambour, 399; Brisbane, 39 144; Ipswich, 441; Beenleigh, 42; Bundall, 1 659; Toowoomba, 504; and Roma, 34—less than two per working day.

The second part of this equation is the cost. The costs are broken down by region, and we have 10 regions, as follows: far-northern region——

Mr Santoro: Don't forget what you told me last year.

Mr SMITH: These are the costs for this financial year.

Mr Santoro interjected.

Mr SPEAKER: Order! The member for Clayfield!

Mr SMITH: These are the estimates to 30 June this year: the costs for the far-northern region were $39,439; northern region, $322,325; Mackay region, $41,029; central region, $141,869; Wide Bay region, $71879; Sunshine Coast region, $38 066; Brisbane region, $7,341,909; south coast region, $36 617; Darling Downs region, $32,715; and—wait for it—western region, $500.

The Opposition is supposed to be a coalition. The Goss Government of the day is providing a service in western Queensland at a cost of $500 a year. That is all it is costing to provide a service for the people who live in those remote regions. The member for Clayfield does not want those people to have that service. I

wonder how the coalition will shape up when Mr Hobbs and Mr Littleproud realise that their coalition colleague wants to take that service away from that very important region.

Sugar Industry Expansion, Herbert River Region

Dr CLARK: I thank the Minister for his answer. Maybe the member for Clayfield will be able to sleep better now.

I ask the Minister for Lands: can he please inform the House about the Government's participation in a tripartite development program in the Herbert River region to expand the sugar industry?

Mr SMITH: Again, I thank the member for Barron River, who has a significant sugar area in her electorate. Although sugar is not a subject in which I usually dabble, given the expertise of my colleague Mr Casey, on Wednesday it was my privilege and pleasure to travel to such an important canefarming community in Ingham to hand over the freehold titles to 46 sugarcane farms.

Unfortunately, the member for Hinchinbrook was unable to attend; I understand there was a party meeting on. The 46 freehold farms——

Mr ROWELL: I rise to a point of order. That is not correct. I was not attending a party meeting at all. I want the Minister to withdraw that remark.

Mr SMITH: I am prepared to accept the explanation; the member was just attending a party.

The other parties to the agreement were the district Canegrowers and the Hinchinbrook Shire Council. This agreement is an attempt to expand the district's landlocked sugarcane industry. The negotiations resulted in a 1 100-hectare section of a former pastoral holding known as Wharps Holding being converted to 46 individual parcels. The Goss Government understands the importance and the reason for taking part in the tripartite development program between those agencies. This will allow Ingham's landlocked sugarcane industry to take advantage of the State Government's expansion program which, I understand, this year will see Queensland become the largest exporter in the world.

For our part, the Goss Government supplied the land through the Queensland Government Land Management Scheme, which has been berated by the other side of the House, and supported a successful submission to Treasury—the Treasurer does have a heart—to waive the stamp duty fees normally payable on such a transaction. From a ministerial point of view, these are the initiatives which make Government efficient. Also, it underpins the importance of the Goss Government's actions to accelerate and enhance the regionalisation program. All of the negotiations were undertaken by local officers of the respective departments.

Performance Dividend on Local Government Borrowings

Mr LINGARD: In directing a question to the Minister for Rural Communities, I refer to the rural policy Budget package and the announcement that all Cabinet submissions were to include an impact assessment to ensure that decisions of Government would not adversely affect rural areas, and I ask: did a rural impact assessment accompany a Cabinet submission to institute a performance dividend on local authority borrowings and, if so, why did this impact statement have no impact on Cabinet when the original decision to push ahead with the performance dividend was made?

Mr BURNS: I thank the honourable member for the question. The rural impact assessment provision in the Cabinet document applies from 1 July.

Performance Dividend on Local Government Borrowings

Mr LINGARD: In directing a second question to the Minister for Rural Communities, I refer again to the performance dividend and the obviously detrimental effect it would have on rural shires, and I ask: why did the Minister not consider it important enough to really stand up for rural areas and walk into the Cabinet and say, "If you impose a stealth tax on rural areas, I will resign"?

Mr BURNS: I thank the honourable member for the question. Cabinet deliberations are a matter for the Cabinet. The member knows that, having been a Cabinet Minister for about a day and a half in the days of the former National Party Government. I do not think he was there long enough to pick up the details of how the Cabinet works, but that is way it works.

Justices of the Peace

Mr T. B. SULLIVAN: I ask the Attorney-General: is he aware that letters have gone out to about 1 000 justices of the peace around Queensland from the Queensland Justices Association demanding money and threatening consequences if the money is not paid? Is the Justice Department involved in any way, and what is the legal position of constituents of honourable members who received threatening letters?

Mr WELLS: I am aware that a large number of justices of the peace have received a letter that contains language like this—

> ". . . our client requires payment within seven days.
>
> . . .
>
> We trust that we will not be obliged to take this matter further."

This letter is from a debt recovery organisation.

The Registrar of Justices has received more than 50 telephone complaints, with letters still coming in from justices who thought that this action was instigated by the Justice Department or, in some cases, by members of this House. Let it be very clear indeed that the Queensland Justices Association has nothing whatsoever to do with this Government or this Parliament; it is a private organisation. It is not necessary to be a member of the Queensland Justices Association in order to be a justice of the peace.

The honourable member mentioned about a thousand letters being sent out. I have no personal knowledge of how many have gone out, but several justices of the peace have apparently told the registrar that they rang the debt recovery firm and the debt recovery firm said that a thousand people, or more than one in 10 of the membership of the QJA, have received these letters. Recipients of these letters include several members of this House, and also at least one person who was expelled by the QJA executive.

Finally, the honourable member asked: what is the legal position of recipients of the letter? The Attorney-General is not allowed to provide advice in respect of civil litigation between subjects. Justices of the peace are servants of the Crown when they are acting as such, but in their relations with a private organisation they are not acting as servants of the Crown but rather as private citizens, and in those circumstances the Crown cannot protect them from demands by the Queensland Justices Association. But the constitution of that organisation apparently requires members wishing to resign to do so in writing. In other words, disaffected members who let their membership lapse do not necessarily cease to be members.

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

TRANSPORT INFRASTRUCTURE AMENDMENT BILL

Second Reading

Debate resumed from 8 June (see p. 8209).

Mr JOHNSON (Gregory) (11.32 a.m.): As members are no doubt aware, this legislation seeks to incorporate into existing legislation new legislation relating to the harbours and marine group. We see that it is anticipated that the Ports Corporation of Queensland, the Port of Brisbane Authority and the Gladstone Port Authority will be corporatised as GOCs on 1 July 1994, followed by five other port authorities at Cairns, Townsville, Mackay, Rockhampton, and Bundaberg being made GOCs by regulation under the 1993 Act by July 1994.

I will speak only briefly on this legislation. One concern that the Opposition has about this matter is that the Minister responsible, the Honourable David Hamill, is wearing two caps. As well as being the Minister for Transport, he is also the Minister responsible for Trade and Economic Development. A moment ago, he answered a question in relation to what is happening in the ports in Queensland. I commend all parties concerned for the increase in production and output at all Queensland ports, especially at the port of Brisbane.

In a ministerial statement to this House on 14 April 1994, the Minister said—

> "There has been a concern that corporatisation of the port authorities will automatically result in higher charges for port users. The Treasurer and I, as responsible Ministers, are adamant that this should not occur."

The words I emphasise are "should not occur". He continued—

> "To this extent, the charters include three recommendations in relation to pricing arrangements comprising . . ."

His statement that "this should not occur" is of concern to the Opposition. However, I inform the Minister that at this point of time the port users, not only at the port of Brisbane but at other Queensland ports, are gravely concerned that there will be an increase in charges. I ask the Minister whether he can respond to those concerns of the port users. After all, they are the people who are exporting the commodities that produce the dollars that keep Queensland going and on an even keel. I believe it is all about working together. No doubt, it costs money to run the ports, but at the same time it must be borne in mind exactly how much it costs some organisations and companies to run their enterprises, too.

It is absolutely paramount that the Charter Administration Committee address the following matters: the identification of user-funded assets, price monitoring to ensure transparency, and developing processes for industry involvement

of issues beyond 30 June 1994. I ask the Minister, when he sums up, to give an assurance that these people will be treated with the respect that they so justly deserve. The point I make is that this legislation will affect port users, no matter whether they are in Brisbane or at the ports of Karumba, Townsville or elsewhere. This legislation is about making Queensland a better place. The Opposition supports this piece of legislation. I trust that the Queensland Government, the Queensland port users and the port authorities of Queensland can work in harmony in the introduction of this legislation in making the ports of Queensland more viable, more productive and more beneficial to all and sundry.

In closing, I would say that it is absolutely paramount that we encourage and develop these ports for the betterment of all. No doubt we are well aware of the infrastructure that is being put in place between Queensland and New South Wales and the implementation of the rail program to try to put as much as possible through the port of Brisbane. I endorse the Minister's remarks during question time about the increase of 14 per cent throughput for the port of Brisbane in recent times. I hope that, in time to come, that output can be doubled. As I say, we are the most northerly State and it is absolutely vital that we take control here in Queensland of the major export benefits not only to Queensland but also to the whole of Australia.

Mr BEATTIE (Brisbane Central) (11.38 a.m.): I rise to support the Transport Infrastructure Amendment Bill and in doing so acknowledge the constructive contribution by the Opposition spokesman, the member for Gregory. The Bill before the House, amongst other things, replaces the port management provisions of the Harbours Act 1955 with specific legislation that will complement the Government Owned Corporations Act of 1993. The Bill will provide considerable benefit to the State.

I intend to highlight how this Bill will complement the Government Owned Corporations Act to achieve the many benefits the Minister has described. The advantages of the establishment of GOCs are many and include more effective operation in response to competitive pressures. Such operation will lead to improved efficiencies in the delivery of both the GOCs' commercial and non-commercial objectives. The establishment of GOCs will, to put it quite simply, improve the way Government-owned enterprises do business, and that is important.

It was this commitment to microeconomic reform which led to the enactment of the Government Owned Corporations Act 1993. That legislation provided for the process by which GOEs such as the State's port authorities can be corporatised. It also describes how these entities will operate. The GOC Act sets out the legislative framework within which GOCs will be required to perform on a commercial basis. It is in effect umbrella legislation which ensures a consistent approach across all GOCs. It relies on portfolio legislation to provide the detail specific to the type of entity. The Transport Infrastructure Act 1994 is the appropriate legislation for this complementary detail. The Transport Infrastructure Act presently has the core provisions and the road specific provisions and will ultimately include components from all modes of transport to enable the clear and coordinated planning and provision of transport infrastructure in this State.

The Transport Infrastructure Amendment Bill that my colleague the Minister for Transport has outlined is clear progress in that direction by providing the GOC complementary portfolio legislation for port authorities. The Bill sets outs the specific detail of the requirements of managing the Queensland port system. As the Minister has explained on previous occasions in this House, the Bill enables the Government to retain the strategic overview of the port system while providing for the autonomy of port authority operation and optimum levels of accountability. These details will provide considerable increases in efficiency and effectiveness. This legislation is a fine complement to the GOC Act and is another stride towards micro-economic reform in Queensland.

The Transport portfolio in Queensland is responsible for more than 34 000 kilometres of highway, 10 000 kilometres of rail network, 14 major and five minor ports along a 7 400 kilometre coastline handling more than 114 million tonnes of cargo annually. This is an immense challenge. During my recent visit to Vietnam—on which I have previously reported in this House—between 7 and 15 May 1994 in company with senior Queensland Transport officers, including Messrs Graham Hartley and John Moller, I had a first-hand opportunity to see how the wealth of expertise developed in Queensland Transport is held in very high regard internationally. I want to stress that it is first-class. The visit, as previously indicated, was a follow-up to an earlier visit by the Minister for Transport, David Hamill.

Mr Hamill: We have a very good pictorial record of that visit, too.

Mr BEATTIE: I acknowledge that fact. That is a matter of some importance. It should be donated to the State Library!

I would like to mention a few points with respect to marine and ports. Because of the enormous distances involved in maintaining and checking navigation aids, Queensland Transport has developed unique and economical minimum maintenance beacon/light assemblies suitable for remote areas. The varying requirements of the large bulk carriers and small high-speed vessels are provided for, along with a wide range of assemblies developed to suit most marine needs. Assemblies and support structures are designed to include the following characteristics: firstly, low initial cost; secondly, robust and reliable construction; thirdly, easy transportation and installation; fourthly, easy maintenance at infrequent intervals; and, fifthly, economical operation.

Some of the specialist technology which the department has offered to Vietnam and other countries on a consultancy basis includes: new designs in fibreglass, aluminium and steel buoys; pile beacon designs suitable for either major shipping channels or shallow water/small craft channels; and beacon tower designs that can be constructed in modular sections for ease of transport and erection. These have been designed to be constructed in a variety of materials including steel, aluminium, timber and fibreglass. The technology includes navigation light assemblies, including the application of world-class solar technology and channel leads. Queensland Transport has developed a simple, reliable and relatively inexpensive system of synchronising flashing navigation lights. Synchronising the flashing of lights marking the navigation channel clearly indicates the position, direction and width of the channel. The system is suitable for lights installed on beacons or buoys. The system is especially effective where unsynchronised channel lights are partially obscured by background lighting.

Queensland Transport's marine engineers have further refined remote controlled switching technology for navigation lights. Remote radio switching can be used to operate navigation lights and electronic equipment in remote locations. Telephone-activated or manually activated radio switching equipment is a valuable means of conserving power. For example, infrequently used day lights in remote areas can be powered by a small solar array where costs and accessibility would prohibit other types of installations. Operators of vehicles can activate the navigation lights either by radio, by telephone or by contacting harbour control.

The Marine Technology Branch of the department also has first-class expertise in the following: port planning; major wharf design; specifications for marine works; buildings in typhoon areas; jetties for pleasure craft; boat ramps; corrosion prevention for steel pipes; timber marine piles; dredging and reclamation; sheet pile quay walls; and breakwaters, revetments and slope stability. The department's expertise in assessing the condition of concrete structures in hostile environments was developed through internationally recognised research conducted by departmental engineers.

For any economy to prosper, safe, efficient and competitive port systems are vital. I have gone through these matters today to highlight to the Parliament just how important these initiatives by the Department of Transport have been and how the Department of Transport has led the world in the development of various forms of technology. I commend the work being done by Queensland Transport domestically, which is poised to earn valuable export dollars in the sale of this expertise throughout the rapidly developing Asia-Pacific region.

In conclusion, I pay tribute to the professionalism of the Department of Transport officers whom I joined in Vietnam, such as Graham Hartley and John Moller, who are at the forefront of developing, under the Minister's direction, overseas markets for the Department of Transport and Queensland.

Mr DAVIES (Mundingburra) (11.45 a.m.): I want to add a few words of support to the Transport Infrastructure Amendment Bill 1994. My comments will be specifically in relation to the provisions of the Bill relating to strategic port land. The strategic importance of suitable land to port development and operations cannot be understated. This includes holding land for future port development. Port land by its very nature is a scarce commodity, but is essential if Queensland is to continue to maximise its trading opportunities. The Government has always recognised the importance of trade performance to the State's economy. The trend of annual trade growth continues, with the overall ports system registering a 5 per cent increase in 1992-93, handling almost 120 million tonnes of cargo. In order for this trade growth to continue, there must be optimum usage of port lands, and it is essential to identify which land is of strategic significance to each of our ports.

It is also important to recognise that ports, particularly general cargo ports, are often located in close proximity to the communities that they serve. These communities are clearly important stakeholders in the planning process for their region, and the planning for ports has prosperity and quality-of-life implications for residents. That is only too true in relation to the port of Townsville.

A most important and impressive feature of the Transport Infrastructure Amendment Bill is its

recognition of the need, firstly, to identify and plan for the use of strategic port land and, secondly, to recognise the potential for incompatible land use and conflict between land users. The legislation puts in place mechanisms to effectively address these issues. This will be achieved by requiring port authorities to prepare land use plans showing current and proposed uses of land that they consider to be strategic port land. The Bill also defines those land types which can be given this strategic designation.

The Bill also specifies a consultative mechanism to ensure that the views of all stakeholders are recognised. There is also a mechanism spelt out for the Government to assess the designation of land in the event that local authorities have substantial objections to the plans. I believe that the increased transparency of the port planning process will lead to more efficient resource allocation, optimum land use and indeed better government. I support what is a very sensible and responsible approach to strategic land management. I compliment the Minister and the department for a fine piece of legislation and for continually reviewing the port system in Queensland.

Mr ROBERTSON (Sunnybank) (11.48 a.m.): I rise to support the Transport Infrastructure Amendment Bill 1994. As stated by the Minister in his second-reading speech, this Bill inserts the ports component into the Transport Infrastructure Act 1994. The Bill replaces the port management provisions of the Harbours Act 1955 with specific legislation that will complement the Government Owned Corporations Act 1993.

The passage of this Bill comes at a time when one of Australia's major economically strategic assets may be fully sold to private foreign interests. I refer, of course, to current speculation that the Australian National Shipping Line, Australia's largest employer in overseas trade, may be fully privatised by the Federal Government. The possible sale of ANL is relevant to this debate, in that Queensland ports may well experience the impact of what may result in a fundamental change to coastal shipping services that the sale of ANL would inevitably bring.

The sale of ANL was first announced by the Federal Government in 1991 and then subsequently in the Federal Government's 1992-93 Budget as part of a $1.6 billion asset sale. At the time of this announcement, it was proposed that only 49 per cent of the shipping line would be sold. However, in recent weeks, speculation has grown that 100 per cent of the shipping line may be sold to foreign interests. This change may have the effect of significantly changing the original conditions which were to be part of the sale of ANL.

The concerns which arise out of a proposed 100 per cent sale of the ANL shipping line to foreign interests arise, in part, out of the 1992 "ships of shame" report which highlighted the unacceptable state of many bulk tankers and international cargo ships entering Australian ports. The possible sale of ANL to foreign interests also comes at a time when significant workplace reforms have been instituted not only on our waterfronts but also on our shipping lines. These workplace reforms have resulted in Australia's maritime work force becoming better trained and multi-skilled to the point that average crew sizes are now approximately 50 per cent less than they were a few years ago. In fact, average crew sizes on Australian vessels are now below those of our major trading partners such as Japan. Importantly, whilst reducing average crew sizes, work place reform has, at the same time, been able to maintain ANL's impressive safety record. Even the Chairman of ANL stated recently that ANL has a safety record as good as Qantas. He stated—

> "We are unsubsidised. We operate in the international market against all players. At home we work the ports for Australia. Unlike many foreign flag carriers we get no capital injections, no indirect subsidies. ANL pays taxes. In most years it returns a satisfactory profit. Now, we have restructured and our capital spending program is completed. When the economy picks up we will do very well indeed."

So what is the potential impact on Queensland ports if ANL is sold to foreign buyers? The major impact for Queensland ports will be in relation to cabotage. Cabotage is an arrangement whereby a country's coastal shipping is reserved for the country's own ships. Basically, cabotage means jobs for Australians, because approximately 4 000 seafarers are employed on Australian coastal ships, nearly 800 of whom are on ships owned by ANL. Where cabotage has been relaxed in other countries, flag of convenience ships have begun trading in the coastal trade. As a result, national shipping fleets have been devastated. It is these flag of convenience ships that received so much attention in the "ships of shame" report.

The "ships of shame" report found that flag of convenience ships lacked proper maintenance, have inadequate and poorly maintained safety equipment and insufficient sanitation. It also found that documentation such as proof of qualifications and wages books for the crews were in many cases falsified. The

report found that crews on the ships often had their wages not paid, there was insufficient food supplied to crews, and physical and sexual abuse of crew members often occurred. Importantly, crews were often found to be untrained, therefore jeopardising the operational safety of the vessel.

I note that section 61C of the present Bill provides that, if a notice is placed at each entrance commonly used for gaining access to the waters of a port, the person is taken to be aware of the information contained in the notice. Such notices may contain, among other matters, information that the person is entering into an area where a regulation by notice and direction system operates, etc.

One of the issues highlighted in the "ships of shame" report was that there have been numerous instances, witnessed by ships' pilots at Australian ports, when ships' officers were unable to communicate with ratings because in many cases they lacked a common language. This difficulty in communication extended from the pilot to ships' officers, from ships' officers to ratings and the crew to the tug boat. Therefore, if cabotage is to be relaxed as a result of the sale of ANL to foreign interests, the problems identified in the "ships of shame" report relating to international ship safety may well be experienced along coastal shipping routes.

There is also a strong economic argument for keeping ANL's majority ownership in Australia because of the contribution it makes to our balance of payments "invisibles" estimated at between $40m to $60m a year. On economic grounds, ANL is worth maintaining even if it is operating at a small loss. This invisible figure can be set even higher if it is assumed that ANL's presence in the shipping conferences tends to keep Australian freight rates lower than they would be if the rates were set in Berlin, Rotterdam, Singapore or London. Not only is there a benefit to our balance of payments in maintaining Australian ownership of ANL, but recognition should also be given to ANL's contribution to developing new technology to ensure safe and efficient export of our primary produce. For example, ANL has been a major participant in an imaginative and unique project titled Active Packaging. This project has the potential to take large quantities of high-value, time-sensitive exports such as fresh fruit and vegetables, other food stuffs and cut flowers away from expensive air transport and into comparatively inexpensive and higher quality carriage by sea. Given ANL's obvious commitment to developing new technology in partnership with Australian scientists and entrepreneurs that will benefit Australia's export industries, it is a valid question to ask whether this commitment would continue under foreign ownership.

These are just some of the arguments that have been put forward by maritime unions, ANL directors and others in support of the retention of public ownership of ANL. It would appear to be somewhat anomalous that today we are debating legislation to facilitate increases in the operational and administrative efficiencies of Queensland ports whilst retaining overall authority over these ports through the corporatisation process; meanwhile, some members of the Federal Government appear intent on heading down the path of selling off a major Australian asset as a means to also allegedly achieve greater operating and administrative efficiencies in the maritime industry.

The "ships of shame" report observes that by the end of this century there will be a major deficiency in the availability of trained and experienced maritime officers and crew throughout the world. Given this disturbing prediction, I cannot support an action that may well result in exacerbating this situation by jeopardising the jobs of nearly 800 trained and skilled Australian seafarers through the sale of ANL to foreign interests. In supporting the Bill presently before the House, I encourage all members to support the continued Australian public ownership of the Australian National Line.

Hon. D. J. HAMILL (Ipswich—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (11.56 a.m.), in reply: I want to thank members on both sides of the House who participated in the debate on this legislation today. As those speakers observed, this is sound legislation. It further clarifies the legislative framework governing transport infrastructure in the State. It continues on the process of reducing the legislative burden, and I think that can be seen very clearly from the number of enactments which are listed in the second schedule of this Bill for repeal as a consequence of the passage of this legislation.

I want to respond very briefly to some of the comments made by the member for Gregory. As I said, I thank him for his support and the Opposition's support on these enactments in relation to port pricing. I am very much aware of how critical the issue of pricing is not only in terms of the confidence that industry has in relation to the Government's reform program for port authorities, but also generally in relation to Government owned corporations, because what we have here are large economic players that, because of their very nature, often have a position in the economy which is close to that of monopoly dealing. Whilst there is a certain

amount of competition among Queensland ports and, indeed, among Queensland ports and ports interstate and overseas, there are certain commodities handled through those ports where there is really not too much competition that is readily available. For example, a major coal exporter from central Queensland might have to make a decision of whether to go to the port of Gladstone or to Hay Point or Dalrymple Bay. That is not an easily competitive situation, because there are significant distances involved and so on.

That is why industry quite rightly has had some concerns regarding pricing policy. I will not only give the Opposition an assurance, I will also give Government members and indeed the industry an assurance that we are committed to what we have said in keeping down and seeking to reduce charges on port users coming to Queensland ports. We will do that for one very good reason, that is, that we are all about developing our trade and seeking to make our export industries more competitive, and that is competition not only interstate, but also competition on a world market. Indeed, the whole thrust of the reform program that I have been responsible for in relation to the whole of the transport sector is all about improving efficiency to give us the competitive edge in terms of our export industries and to also reduce the cost to our home industries and our home consumers of the goods that are brought into our State and then transported across our system. Of course, ultimately those transport costs have to be paid for by the end user.

We can make our industries more competitive by bringing about these sorts of reforms. That is what this Government is on about. I can assure the member for Gregory that, in the weeks and months ahead, the words that have been spoken by myself in assuring port users that that is our objective will be backed up by deeds; they will not just be words and, therefore, we will further underwrite the competitive position that our ports enjoy. I also thank the members of the Government for their support, but I particularly want to thank my departmental officers for a job well done. A number of initiatives have been put in place both in terms of our domestic reform package and in the work that we can do ourselves in developing export commodities from the public sector in Queensland and marketing them.

I will be moving a few amendments at the Committee stage. Some of those amendments put beyond doubt our capacity as a public sector department to be able to participate in those commercial arrangements that can flow from having a quality product that is in demand both at home and abroad, and one where the rewards should quite properly come back to the Queensland Government and the Department of Transport for their research and development in those matters.

The reform of the ports program is well and truly on track. This legislation will certainly progress that. I thank all members for their support.

Motion agreed to.

Committee

Hon. D. J. Hamill (Ipswich—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr HAMILL (12.02 p.m.): I move the following amendments—

"At page 13, after line 6—

insert—

'(vi) other activities and conduct in its port, on its strategic port land or at its port facilities; or'.

At page 13, after line 33—

insert—

'(ha) allow the appointment of authorised officers and their functions and powers, including power to take persons to police officers; or

(hb) confer powers of arrest on police officers; or'.

At page 19, lines 16 and 17—

omit, *insert*—

'(4) This section is in addition to, and does not limit, the following sections of the Government Owned Corporations Act 1993—

- section 138 (Statutory GOC not to indemnify officers)
- section 139 (Statutory GOC not to pay premiums for certain liabilities of officers).'.

At page 21, after line 5—

insert—

'(2A) Without limiting subsection (2), a regulation under the subsection may make provision to the same or similar effect as the following provisions of the Government Owned Corporations Act 1993—

- Chapter 3 (Government Owned Corporations (GOCs))
- Part 5 (Board of directors), Division 1 (Statutory GOCs)
- Part 6 (Chief executive officer), Division 1 (Statutory GOCs)
- Part 10 (General reserve powers of shareholding Ministers)
- Part 12 (Duties and liabilities of directors and other officers), Divisions 1 (Statutory GOCs) and 3 (GOCs generally)
- Part 13 (Legal capacity and powers), Division 1 (Statutory GOCs)
- Part 16 (Employees), Divisions 2 (Statutory GOCs) and 4 (GOCs generally)
- Schedule 1 (Additional provisions relating to board of statutory GOC)
- Schedule 2 (Additional provisions relating to chief executive officer of statutory GOC).

'(2B) Subsections (2) and (2A) are in addition to, and do not limit, section 61W (Protection from liability).'."

These are essentially machinery matters which have arisen as a result of the drafting and consultation with Parliamentary Counsel. For the information of members, I point out that these amendments fall into three categories. The first two amendments, that is, the amendment of clause 5 at page 13, after line 6, and the amendment of clause 5 at page 13, after line 33, are to confirm and put beyond any doubt the powers of port authorities to properly regulate and enforce the regulation of activities in those ports on port strategic land and at port facilities. That is very important, because the port authorities here—quite properly under the framework of this legislation—have certain regulatory powers to perform. This legislation puts beyond any doubt that those powers are available to those port authorities.

With respect to the third amendment, that is, the amendment of clause 5 at page 19, lines 16 and 17—this amendment should be read in the light of the position of policy which the Government has taken regarding directors' liability under the Government owned corporations legislation. This is effectively a provision that could be considered as being concurrent with that contained in the GOC legislation. It maintains the protection which already exists in the Harbours Act and which we wish to continue for people who are part of the port authorities and their employees.

The fourth amendment ensures that regulatory matters that are contained within the GOC legislation as it would pertain to the operation of a GOC—that is, pertaining to matters of the board, the capacity of the board, the duties, powers and liabilities of directors, and so on—should be read concurrently with the powers contained in this Bill.

The GOC legislation provides for two shareholding Ministers. While that GOC legislation is the overall framework for the operation of Government owned corporations, as it pertains to port authorities it needs to be read in the light of what is contained in the transport infrastructure legislation. It is fleshing out the unique role and the unique responsibilities of port authorities in relation to transport infrastructure development.

I trust that that is a clear account of the purpose of these minor drafting amendments. I commend them to the Committee.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 9, as read, agreed to.

Clause 10—

Dr WATSON (12.06 p.m.): In speaking to clause 10, I am really interested in that section of Part 3 that relates to declared road references and motorway references. I would like to ask the Minister a couple of questions. In the 1994-95 Budget, $2m has been allocated for the commencement of preliminary investigations of a transport corridor to the west of Brisbane. I ask the Minister: has any decision been made with respect to the alignment of such a bypass, and has the Department of Transport issued any maps or other material indicating the alignment of such a corridor?

Mr HAMILL: As long as the Chair does not consider this as drawing a longbow—it is, of course, related to the provision of transport infrastructure. I think it underlines the interrelationship of our infrastructure—our ports, roads and railways. That goes to the whole rationale of why the Department of Transport has been so created to provide that overall strategy for the development of that transport infrastructure.

Mr FitzGerald interjected.

Mr HAMILL: One can certainly see those who were on the fresh water last night, as compared with those who were finding things that were perhaps less pure.

Mr FitzGerald: Polluted.

Mr HAMILL: That is right. Let us not digress too much. In relation to the honourable member's inquiry—in the Budget papers, the

sum of $2m was set aside for the development of a western bypass, which has been a concept that I have held as being very important for the development of our strategic transport infrastructure for south-east Queensland, particularly for the Brisbane area.

No maps have been prepared, and no decision has been made to proceed with the western bypass. What is envisaged in the Budget papers is that, during this year, we should undertake some investigative work following one of the clear—and very important—recommendations contained in the SEQ 2001 managing growth strategy.

In that strategy, the road network for south-east Queensland was clearly identified. Two particular elements in there were the eastern corridor development, which was being canvassed and, on the other side, if you like, something which reflects the Gateway Arterial system but on the west of Brisbane, that is, a western corridor. That is really where it is at. Some moneys have been put aside in the Budget for the purpose. No, there are no maps or decisions at this stage. That is obviously the task before us.

Dr WATSON: I thank the Minister for indicating that no decision has been made in respect of such a bypass or any maps issued by the Department of Transport. Could the Minister explain what the $2m will be used for? What kind of process is envisaged by the Minister in terms of the time frame? What kind of process might involve community consultation for such a bypass?

Mr HAMILL: I am pleased that this follow-up matter has been raised. It does disturb me when I see some of the rabid outpourings of some people——

Mrs Woodgate: It disturbs me, too.

Mr HAMILL: I have never included the member for Kurwongbah as part of a rabid outpouring. I am certainly aware of some of the dishonesty that is being peddled in the electorate of the member for Kurwongbah by some presumably know-all local councillors who think——

Mr Johnson: Who are you referring to?

Mr HAMILL: The honourable member should read the local press in that area.

Mr Beanland: The Sunshine tollway; that's what you're talking about.

Mr HAMILL: The member for Indooroopilly ought to stay out of this one. He does not know what he is talking about. In relation to the question of the Western bypass—there is a group of people in the Pine Rivers area who seem to think that a conspiracy is lurking under every bed and under every tree. They have maps. They know that all that business about Western bypasses is signed, sealed and just about to be delivered. I have news for them and I have news for the real estate agents who have been running around the place, again being all knowing.

Some time ago, I received a call from my brother who lives in the north of Brisbane. A real estate agent told him that he knew that a highway would come right down the street. I assured my brother that nothing could be further from the truth. Contrary to the claims of the Councillor Rymans of this world and those all-knowing real estate agents, the planning has not started. We have a concept that was endorsed in the SEQ 2001 report.

The procedures that would be taken to further develop that idea are as follows: Cabinet must determine the parameters of a study to identify a corridor. That would then involve community consultation on the need for and the identification of such a corridor and then, and only then, would the proposal come back for the consideration of the Government. I say to all of those people who see conspiracies lying all over the place that they should have a cold shower and settle themselves down.

Clause 10, as read, agreed to.

Clauses 11 to 15, as read, agreed to.

Schedule 1—

Mr HAMILL (12.12 p.m.): I move the following amendment—

"At page 42, lines 15 to 17—

omit, *insert*—

'1. Long title, at the end—

insert—

', and other matters for which the Minister is responsible'.

'2. Section 4—

insert—

"transport Act" means an Act administered by the Minister, and includes this Act;

"transport decision" means a decision under a transport Act;

"transport purpose" includes any purpose for which the Minister is responsible;'.

'3. Part 3, heading—

omit, *insert*—

'PART 3—FUNCTIONS, POWERS AND PROPERTY'.

'4. Before section 9, in Part 3—

'Functions of chief executive not limited by implication

'8A.(1) No transport Act limits, by implication, the chief executive's functions under another Act or law.

Example

This Act (and the chief executive's functions under it) do not limit, by implication, the following functions under other Acts or laws—

1. The chief executive's responsibilities as chief executive under the Public Service Management and Employment Act 1988, especially section 12.

2. The chief executive's functions as accountable officer under the Financial Administration and Audit Act 1977, especially section 36.

3. The chief executive's functions, at common law and under statute, as the person in control, under the Minister, of a department of government of the State.

4. The chief executive's functions under the Transport Infrastructure Act 1994, including, for example, the chief executive's road transport infrastructure functions under section 19 of that Act.

'(2) This section is enacted to remove any doubt about the chief executive's functions.

'(3) In this section—

"function" includes responsibility;

"law" includes any common law rule.'.

'5. Section 9—

omit, *insert*—

'General powers of chief executive

'9.(1) The chief executive has, under the Minister and as agent of the State, all the powers of the State that are necessary or desirable for performing the chief executive's functions.

'(2) Anything done in the name of, or for, the State by the chief executive in performing the chief executive's functions is taken to have been done for, and binds, the State.

'(3) Without limiting subsection (1), the chief executive may, for example, in performing the chief executive's functions—

(a) enter into arrangements, agreements, contracts and deeds; and

(b) acquire, hold, deal with and dispose of property; and

(c) appoint agents and attorneys; and

(d) charge, and fix terms, for goods, services, facilities and information supplied; and

(e) seal any document; and

(f) do other things necessary or convenient to be done for, or in connection with, the chief executive's functions.

'(4) Without limiting subsection (1), the chief executive has the powers given to the chief executive under this or another Act or at common law.

'(5) No transport Act limits, by implication, the powers that the chief executive has under another Act or law, and, in particular, no transport Act prevents, by implication—

(a) the chief executive doing anything in trade or commerce; or

(b) the chief executive doing anything outside Queensland, including outside Australia.

'(6) However, the chief executive's powers are subject to any restriction expressly imposed on the chief executive under this or another Act.

'(7) This section is enacted to remove any doubt about the chief executive's powers.

'(8) In this section—

"function" includes responsibility;

"law" includes any common law rule;

"power" includes legal capacity;

"restriction" includes prohibition;

"trade or commerce" includes—

(a) a business or professional activity; and

(b) anything else done for gain or reward.'.

'6. Section 12(2), after 'means a GOC'—

insert—

'or a candidate GOC'.

'7. Section 14—

omit.'."

In explaining the rationale for that amendment, I point out that the department has been in receipt of some conflicting legal advice on the powers of the chief executive, in particular, those powers relating to the more commercial aspects of the department's

operation. I draw to the attention of the Committee the remarks made by the member for Brisbane Central wherein he highlighted the very good work that is being done within the department in seeking to obtain an export market for some of our technology. Everyone would endorse that approach.

If we have skills and expertise in the Department of Transport, or indeed in any department in the State of Queensland, and a market exists for those skills and that expertise whether elsewhere in Australia or overseas, we ought to be in a position to exploit that effectively not only in the interests of further professional development of the officers of the department but also in terms of the benefits that would flow by way of contracts and so on that would come back to the Government of Queensland and the State of Queensland.

The legal advice varied. Two separate items of advice were provided. The practitioners concerned could not agree. One thing they did agree on was that the issue ought to be clarified. We are seeking to do just that. The only people who will lose out of that will be those legal practitioners, because we will not be able to get second and third opinions all differing.

Amendment 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 Hamill, by leave, read a third time.

ANTI-DISCRIMINATION AMENDMENT BILL

Second Reading

Debate resumed from 22 June (see p. 8409).

Mr BEANLAND (Indooroopilly) (12.16 p.m.): The Opposition is totally opposed to the ramming of the legislation through the House, as we are witnessing here today. The Government has given no excuse for its failure during recent weeks to bring the legislation before the House. Night after night, the Parliament has either not sat after dinner or has not sat for very long after the dinner break. Therefore, a number of occasions have been available for the legislation to be introduced. Instead, the legislation was rushed into the Parliament on Wednesday of this week—only two days ago— and it is being debated today, on Friday. No six clear days have been allowed, as is required under Standing Order 241.

No time has been given to consult with those in the community who are interested in the Bill, nor has time been given to analyse the legislation to ensure that the amendments to the Act will not cause problems and need further amendment down the track. Instead, the guillotine has been used to ram the legislation roughshod through the House. In addition, it is now more than two years since the legislation was passed by the Parliament. In that time, the Government has had ample opportunity in which to bring forward amendments instead of having to rush them in, in the haste and the unseemly manner in which we are handling the Bill.

The Opposition supports the amendments to the Act. Those amendments relate to the sections that provide for a compulsory retirement age, which are to apply from 30 June this year. I thank the Minister for having his director-general brief me a couple of days ago on those amendments to the Act. However, in no way does that overcome the incompetence of the Government in bringing the legislation into the Parliament with such haste.

The issue of a compulsory retirement age has been a matter of contention for some time, causing uncertainty within community groups about whether their retirement could be affected by the legislation. The Bill will go a long way towards clarifying that uncertainty because it lists those occupations and positions that are excluded from the legislation, something that I contend ought to have been quite clear in the first instance when the legislation was introduced, unless the Government had intended to affect the compulsory retirement age of those whom we are excluding today.

Unfortunately, it is clear that, in common with so much legislation introduced by the Minister, the Bill has not been properly based. To understand the significance of the Bill, one need look only at the list of exclusions from provisions in Acts allowing a non-compulsory retirement age. The Government is excluding from non-compulsory retirement age people who currently have a retirement age attached to their positions or to their occupations. They are: Supreme Court judges, District Court judges, magistrates, members of the Land Court, the President of the Industrial Court, industrial commissioners, the Commissioner of the Fire Service, a fire officer within the meaning of the Fire Service Act, employees of Queensland Railways, the Chief Executive of Queensland Railways, police officers, staff within the meaning of the University of Queensland Act and directors of public companies or subsidiaries of public companies under the corporations legislation, which would have been quite apparent some time ago. I like the last category—"another person prescribed

by regulation". That is inserted so that, if the Attorney-General has forgotten someone, he need not come back into the House; he can exclude anyone else by regulation.

I am quite sure that this catch-all regulation will overcome the problem with this amendment. It is quite clear that, in the first instance, the Minister did not think the situation through properly. I am certain that many people in the community who do not particularly want to retire at the age that is set down for them, whether that is 60 or 65, want to go on for a few years. I might say that if there turns out to be—I do not think that there will be in this day and age—a large number of men or women who want to continue working after what would have been their normal retirement date prior to this legislation coming into force, that could cause other socioeconomic problems within the community, particularly during these times of high unemployment. As I say, I am not against people continuing in their jobs, but if a large number of those people continue in their jobs, for example, within the public service, until they are aged 70 or 72, we could end up having problems of morale in the lower ranks of the public service, particularly among those who are seeking promotion up the line in due course.

Although this legislation does not force people in the community to retire at a certain age, and that is fine, it does have a down side to it. It is not the wonderful proposal that it might be made out to be. Although I believe that many people in the community do not want to retire at a certain age, as I mentioned at the outset, because of the changing times in which we live, I believe that the passing of this legislation will not mean that many people will want to continue working past what would have been their normal retirement age.

Mr ROBERTSON (Sunnybank) (12.22 p.m.): I rise in support of the Anti-Discrimination Amendment Bill. I note that one of the exemptions that applies in this Bill in proposed section 106A relates to firefighters or, as they are termed in the Bill, officers of the Queensland Fire Service.

In my view, that is a sensible exclusion at this point. As members would be aware, before I became a member, I was the Secretary of the Firefighters Union of Queensland and national President of the Firefighters Union of Australia. During the time I held those positions, I became aware of numerous examples in Queensland and, indeed, in other areas of Australia, of older fire officers suffering heart attacks at emergency incidents. Tragically, some of those firefighters died at the scene. In fact, an incident occurred recently on the north side of Brisbane where an older fire officer, who was in his 60s, collapsed at the scene of a house fire. That highlights the fact that firefighting is a particularly stressful and physically exhausting occupation. Indeed, numerous studies undertaken both in Australia and overseas highlight the physical stresses under which firefighters are placed at emergency incidents. They are stresses that are not felt normally by workers in a variety of other occupations. The stresses are imposed quickly, and often last for very short periods.

However, those studies also highlight the need for a more holistic approach to be taken towards the health and fitness of not only older firefighters but also fire officers of all ages. That is why I said, in my opening comments, that the exclusion of firefighters was a sensible exclusion at this point.

The issue of the health and fitness of firefighters is a matter that all Australian fire services must address in order to formulate an appropriate standard. As a former national president of the union, it is something that I was keen to see. It seemed anomalous to me that each State had individual fitness standards for the employees of their fire services. My view is that this standard must provide an appropriate balance between recognising the extreme physical demands that are imposed upon firefighters from time to time and the dignity that this Bill affords individuals to make choices of their own free will with respect to the time they choose to leave the work force.

There are no easy answers to this very complex question, but until such time as appropriate, fair and just arrangements can be found for all firefighters in Queensland, I believe that this exclusion is sensible and, as a result, I support Bill the before the House.

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (12.25 p.m.), in reply: I thank honourable members, including the honourable member for Sunnybank, for their contributions. I thank the honourable member for Indooroopilly for his support for the Bill and for the important human rights principle that is at stake in the Bill.

The news that this legislation was being introduced in this House was made public earlier this week. Since then, constituents and older people in the community have been coming up to me and saying, "Thank you for the initiative that you are undertaking." I have said to them, "Why? Are you intending to work past the age of 65?" The answer was always, "No." The story was always that they themselves were not intending to work past the age of 65, but their experience was that 65 or any other compulsory retirement age was, itself, an ageing factor. It was a signal

that society was going to throw those people onto the scrap heap. Those people have said to me, "You have made us feel younger simply by virtue of taking away this compulsory retirement age." They have also said to me, "We have absolutely no intention of working past that age, but this is very uplifting for the morale of people of this generation."

So I think that this is an important and valuable advance that we are making today. I thank the honourable member for Indooroopilly for the support that he has indicated for the Bill.

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 9, as read, agreed to.

Clause 10—

Mr FITZGERALD: (12.27 p.m.): I have a query for the Attorney-General about this clause, which specifies a number of exemptions from this legislation. I just draw the attention of the Minister to the fact that there is no age limit on people who are elected as members of Parliament. However, from time to time, some political parties may intend to impose an age limit on candidates—they will not endorse a candidate who is, for instance, over the age of 70, 65 or something like that. Where will those political parties stand when this amendment is passed? Will they still be able to discriminate against a candidate, or the endorsement of a candidate, or fail to consider a candidate on the grounds of age only?

Mr WELLS: Earlier today, the honourable member queried whether I should be giving off-the-cuff legal opinions. Now he is asking for one. Since the member has asked for it, he will get it. Political parties that preselect candidates are not in the position of an employer who is hiring and firing labour. Consequently, they do not fall within any grounds or areas covered by the Anti-Discrimination Act.

Mr PEARCE: I wish to raise a point with the Minister that there is some concern within the coal industry about the compulsory retirement age. Currently, members of the coal industry can voluntarily retire at 55. Mine workers, that is the workers who actually work within the mine site or work underground, face compulsory retirement at 60. The compulsory retirement age for colliery staff, who usually work in the administrative side of the mining operation, is 65. I think that, generally across-the-board, the coal industry itself supports those compulsory age retirement limits.

I am aware that some people within the industry would like to see the compulsory age component removed, and for quite obvious reasons that could apply in any work environment. For example, people might be healthy enough to continue working, they might have financial commitments, and they may be quite happy to carry on working.

Personally, as an underground mine worker and someone who worked in the industry for 11 and a half years—and just over nine of those years were spent underground— I would like to see the compulsory age component remain. I say that because of the nature of this industry. The work environment for miners, in particular underground mine workers, is such that they are subject to high levels of dust, despite improvements in ventilation and mine safety procedures. They work long and stressful hours on rostered shifts. With the push for 12-hour shifts from the employers in the industry, these workers will be placed under greater stress. The environment in which miners work is also noisy. Mine workers are continually subjected to these conditions for long hours. I believe that their capacity to enjoy their work is reduced.

As I said, as a former mine worker, I believe that the coal industry does have a good argument for compulsory early retirement. I am a little concerned about where the coal industry stands. Proposed section 106A identifies a number of groups of people. It states—

> "106A.(1) This Act has no effect on the imposition of a compulsory retirement age on . . ."

And it goes on to list the people to whom this applies. There is certainly no mention of the coal industry at all. I would like some guidance from the Minister about where the coal industry stands in relation to this proposed section.

Mr WELLS: Whenever the honourable member for Fitzroy speaks on matters related to mining, he is always taken extremely seriously by the Government.

Mr FitzGerald: By everyone in the Chamber.

Mr WELLS: I note the remark of the honourable member for Lockyer. The member for Fitzroy will be interested in proposed subsection (1) (n) of the section about which we are talking at the moment, which states that other persons can be prescribed by regulation for the purposes of exemption from the provisions of this Bill. The circumstances in which that would occur would be circumstances not already covered in the Act.

I would be interested in having further discussions with the honourable member about whether the people about whom he is concerned would be exempted by section 25 of the Anti-Discrimination Act as it presently stands. It states that genuine occupational qualification can be an exemption from any of the provisions of the Act. I understand his concern that people should not be of a constitutional capacity such that they prejudice their fellow workers. Section 25 would seem to apply in that regard to ensure that people whose physical condition was such that they would prejudice other members of the work force could be placed elsewhere.

I note that New South Wales, which is a very significant mining State, does not have an exemption for miners, and neither do the other States. But that is no reason why this group in the community, or any other group in the community, cannot make an application for consideration. If an exemption were used under the section to which honourable members' attention is now drawn—and which the honourable member for Indooroopilly referred to previously—then that regulation would have to be laid before the Parliament and be subject to the determination of it. That procedure is available. I would be interested in entering into further discussions with the honourable member to see whether on both sides this is thought apposite.

Clauses 10, as read, agreed to.

Clauses 11 to 13, as read, agreed to.

Schedule—

Mr BEANLAND (12.35 p.m.): I notice that we are amending section 41 of the Corrective Services Administration Act 1988. Section 41 states that an officer of the commission may elect to retire on or after turning 50. I happened to notice that the previous retirement age was 55, and I wondered why the minimum age had been reduced to 50. The other Acts that we are amending that relate to Crown public services and employees have a minimum retirement age provision of 55. Why is this so? There must be a good reason for it.

Mr WELLS: The honourable member's question, assuming that it is based on a correct premise, is one about which I will have to get back to him. My department's advice at this stage is that it does not alter the age, but we will check that out. If the honourable member believes it is so, then it may be so, and we will check it out for him.

Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

LAND TITLE AMENDMENT BILL

Second Reading

Debate resumed from 28 April (see p. 7895).

Mr HOBBS (Warrego) (12.38 p.m.): I am pleased to speak today to the Land Title Amendment Bill 1994. I noted that the Minister stated in his second-reading speech that this amendment is essential because it corrects functional provisions and minor typographical or clerical errors. Although it is important that we do tidy up legislation, some of the functional aspects of this amendment Bill need to be discussed today.

The Opposition will be supporting the legislation. I believe it is the responsible way to go. Unfortunately, this legislation has had a chequered history since its introduction. And now we have seen one amendment and two regulations all within eight parliamentary sitting days. The Minister and the Government should have listened to the advice given to them by many people, including the Opposition. It was advised to delay the amendments to the original land title legislation until such time as it was really able to address the anomalies within that legislation.

I understand there were some complications in relation to the timetables for the introduction of the ATS system. I appreciate that. What has happened is that the Lands Department and the Titles Office in particular are being held in very low esteem by the public. They are in disrepute. That is unreasonable. I believe there are some very good officers within that department.

Mr Smith: What did you say was held in low esteem?

Mr HOBBS: I believe that the Titles Office and the Lands Department are held in very low esteem because of the introduction and the consequences of this Bill. I believe there are good officers within that department and it is unfair that they have to shoulder the blame for a political decision that could have and should have been made in the first instance.

Even the Law Society advised the Government in the very early stages that it did not have the system right. It is quite clear that the society's concerns at that time related to—and to a certain degree still do—drafting errors in the Act which require immediate rectification; the ramifications at law and in practice of the non-issue by the registrar, as a matter of course, of a duplicate certificate of title; other necessary

amendments to the Act; and the commitment by the Government to the early implementation of a fully integrated ATS so as to bridge the transitional gap under the new automated titling system. The Law Society had many concerns, and I believe that, to a certain degree, the Government held the society to ransom with threats of deregulation, which did not really allow the Law Society and the people of Queensland to be able to fully understand, comprehend and appreciate the difficulties that existed, and are presently existing, with land titling in Queensland and in Australia. I have always supported the automated titling system.

Mr Smith interjected.

Mr HOBBS: I think the Minister will find that they do. It is the implementation of it that has gone wrong. The system is not new. In fact, back in the days when the National Party was in Government, legislation was enacted to put land titles on computer and microfiche. So it is not new. It was evolving to that stage. There is an urgent need to try to fix up the mess that we have got ourselves into.

The Government has always said that the Law Reform Commission was the body which basically set out the bones of the legislation that we are talking about today. We were also told that this legislation is modelled very closely on it. In fact, it is not. It deviates in many ways. In fact, at the very beginning of the Law Reform Commission report it states—

> "The Torrens system is currently operating well in Queensland. Amendments made by the commission to existing legislation should focus upon modernisation rather than alteration of the system."

That is what was recommended. The Minister has gone way beyond that. I believe that the consequences of that are why we are here today debating another amendment. I predict now that there will be many more amendments. I know that the department has advised that it does not want any more amendments to be brought in for 12 months. However, there will be a backlog by then. It would not surprise me if even more regulations are introduced in an effort to try to keep this land titling system on the road.

This amendment resolves a few important issues. One relates to that of a mortgage. Under the previous land title legislation, a mortgage related only to a lot of land and could not be carried on to any other function such as a liquor licence, a car, a boat or whatever. Therefore, if somebody wished to register a mortgage, it could be processed only if it related to a lot of land. However, if it was a combined mortgage relating to a hotel licence, perhaps, that involved the land plus the licence which was something over and above the land, it could not be officially registered. I guess that is one of those drafting errors that do occur. That will be rectified in this legislation.

The registrar must issue a certificate of title at the written request of the owner of the land if there is no mortgage on the land. I thank the Government for including this provision in the legislation. It is important. We were told that there is not a lot of difference between the words "must", "may" and "shall". However, I really believe that people need to be able to read legislation and understand clearly what it means. They should not have to think, "I had better go and get a lawyer's interpretation of this." If there is a provision that the registrar "must" issue a certificate of title, it is clear for everybody to see.

The other area of amendment relates to an equitable mortgagee being allowed to lodge a caveat. Previously, under the original Act, that was not clear. There are many cases where this is necessary, and I guess that it was probably overlooked. I believe there will be quite a lot more areas in this legislation that have been overlooked and that will need to be amended.

The section relating to witnesses has not really been resolved, even to this stage. The amending legislation talks about witnesses taking reasonable steps to ensure that the individual is the person entitled to sign the document. I know—and the Minister has told us all—that the Minister is trying to stop the Peter Palmer fraud situation ever occurring again, and that is commendable.

Mr Smith: There was one in New South Wales on *A Current Affair.*

Mr HOBBS: That is true. But there is no other documentation of cases of fraud. I really do not know whether the Minister should shake the whole system down because one half-smart lawyer got away with something. I know that he was eventually caught. However, I do not know that the Minister needs to shake the whole system down. I do not doubt that something has to be done to try to fix up the problem. The system has to be improved and made more secure for people. Security of tenure and security of ownership of land is one of the most important cornerstones of our democracy.

I want to say a little about what the JPs have to say about this. We understand that not just JPs will be witnessing documents in relation to land titles but that parliamentarians, lawyers and others will also be involved in it. However, it is important to state for the record just exactly what is being said and the thoughts behind the JPs here in Queensland. In an article headed "New

Land Title Laws Put JP's in Hot Seat", *Justice and the JP* says—

> "The State Government has introduced new land title legislation that, according to lawyers and Government officials, has placed 'official' witnesses—JP's among them—in a dangerous legal limbo."

They go on to say a lot more, but then they get down to what I suppose is the nitty-gritty of it. They ask—

> "But (a) is the worry! What are 'reasonable steps' to ensure that the person asking for his or her document to be officially witnessed is 'the person entitled to sign the instrument'?
>
> Public servants at high levels say they can't answer—that they've been seeking answers from their superiors and getting nowhere.
>
> Lawyers approached by The QJA say they can't answer—yet.
>
> Public servants and lawyers contacted by The QJA say the vagueness of Section 147 is 'outrageous'.
>
> However, Government officials say the responsible Department, the Lands Department—has no plans to resolve the mystery."

Perhaps today the Minister could help us by explaining that mystery.

How can the onus be on the witness to a document to ensure that a particular person is entitled to sign that document? At present, a JP witnesses a particular person signing his or her name to a piece of paper. The JP verifies that he or she witnessed that person sign his or her name. The Minister is asking JPs not only to witness people signing his or her name but also to take all reasonable steps to ensure that the person signing the document is entitled to do so. A person may have a drivers' licence or his or her name may appear on a letter of introduction from a firm of lawyers or on another document. In such a scenario, a JP has taken reasonable steps to ensure that the person's identification is legitimate. However, if that turns out not to be the case, the JP could be in serious strife. The proposed safeguard will not stop the Peter Palmers of the world. In fact, JPs or other people who are witnessing the signing of documents in good faith may find themselves in legal limbo, as outlined in the edition of *Justice and the JP* to which I referred. The Minister must examine that matter closely. I hold grave concerns about that provision of the legislation.

Earlier, I mentioned that the amendment Bill being passed today provides for two regulations, the second of which relates to the notification of dealings. It has been claimed that this regulation could be ultra vires. Lawyers have yet to decide whether that is the case or not. Two lawyers inevitably come up with three opinions. The Minister cannot afford for such doubt to exist. He must resolve that matter. In several places, the Bill states quite clearly that the registrar must register an instrument. However, the provision of the regulation is contrary to the Bill. I know that the Minister is referring to transitional powers that are provided under the Act; however, the fact remains that the issue is not clear. Given that fact, the people of Queensland cannot have confidence in the system. As I have mentioned previously, the notification of registration is a very simple piece of paper with a few numbers on it. I do not consider that that is satisfactory documentation, and it is my view that more detail should be provided.

The provision of a duplicate certificate of title must be reintroduced. There is no reason on earth why that documentation cannot be provided. It is claimed that the computer program used by the department is not capable of producing such a document. That cannot be right. The Minister may be trying to save paperwork and time. However, reasonable safety devices should be provided in the titling system to assure the people of Queensland that nothing can go wrong. If people are issued a duplicate certificate of title, they have some evidence of the original contents of their title in case of computer error or input error. This is not merely a political issue; some people hold genuine concerns. People contact me about this issue constantly. I do not understand why that documentation cannot be provided.

I am puzzled by the additional charges that are to be imposed. Reference has been made to the $40 charge applying to a certificate of title. The Minister mentioned that that charge has applied for quite some time. A further $18 charge applies to transactions that are conducted by mail. Therefore, in many cases, people who have no mortgage and who decide to apply for a certificate of title face a charge of $58. That piece of paper is very important to many people. For most people, their home is the largest investment that they make. To own their own home is the main goal in many people's lives. Even if the bank holds a certificate of title, in the eyes of the person to whom it belongs, it is an important document that he or she can look at or touch if he or she so wish. It gives people security. It is not a case of being sentimental; it is a case of giving people a tangible goal to achieve.

Mr Santoro: Just satisfying a good old decent human need; that's what it is.

Mr HOBBS: It is indeed.

The present lack of security of land titles and the fact that JPs may be placed in a precarious legal position under this legislation reminds one of Gaius Caesar, better known as the Emperor Caligula, who is reported in literary tradition to have made a practice of depositing his criminal edicts on top of a monument so that he would have available for punishment the luckless victims who transgressed them in ignorance of their existence and with no opportunity of discovering their provisions. This is exactly what this Minister is doing.

Mr Santoro: That is a very good analogy.

Mr HOBBS: I thought it was. It sums up the current circumstances in Queensland fairly well. The rules are there but no-one really knows their implications, and JPs may find themselves in a lot of legal strife.

Genuine concern exists in the community about this legislation. Although it is a small step in the right direction, the Government should have heeded the warnings from the Opposition, the Law Society and the community. The Minister has unnecessarily caused conflict. The community has basic support for an automated titling system. However, Queenslanders require a titling system that works and one under which they feel absolutely secure.

Sitting suspended from 12.59 to 2.30 p.m.

Mr DOLLIN (Maryborough) (2.30 p.m.): It is with pleasure that I rise to speak to the Lands Title Amendment Bill. This Bill will amend various sections of the Lands Title Bill 1994 to provide for the improved practical operations of the legislation in the market place as well as correct a number of minor typing mistakes. This will be done at no cost to the Government. Consultation has taken place with the agencies, the Office of the Cabinet, the Queensland Law Society and the Australian Bankers Association to enable the best possible outcome to be achieved from these amendments.

This legislation sets out to tidy up the Lands Title Act of 1994 that set out to retain the basic principles of the Torrens system of title registration that has served us well from as far back as 1861. The Act also provides the statutory basis for conversion from an outdated paper-based title registration system to an electronic system known as ATS— automated titling system. The language of the Bill has been converted to plain English so that we might all understand it, instead of it being the exclusive right of a few lawyers and land-related professionals. The language previously in the Bill was, to the average layman, nothing much more than a lot of mumbo jumbo.

The Act simplifies both the language and the structure of the Bill and makes it much more easy to use. As I said earlier, the automated titling system will involve the conversion of that information currently stored in a paper form into an electronic format. The end result will be that the entire history of each lot of freehold land in this State will, during a period of approximately two years, be captured into an electronic record. It is this entire history which will still constitute the Land Titles Register. In the capturing process, each lot will retain its own title, to be known as the indefeasible title. This indefeasible title will show the current registered particulars in relation to the lot, for example, the registered owner of the lot and all other registered interests in the land including, as appropriate, mortgages, leases and easements, etc. A printed version of that information, to be known as a certificate of title, will be supplied to the registered owners of the land if requested by them. Mr Hobbs should note that; he seems to have some doubt about it. They will need to lodge an application on Form 19 and pay a subscription of $40. There is, however, a proviso in the legislation that certificates of title are only available if the lot is not subject to a bill of mortgage. In other words, it has to be owned outright.

The limitations of availability will enhance the security of the Land Titles Register by limiting the number of certificates or titles held outside the electronic data base in both bank security areas and in safe custody in solicitors' offices. The limitations of availability in relation to solicitors will help reduce the possibility of a repeat of the Peter Palmer fraud case of recent times where a solicitor who previously practised on the Gold Coast had forged transfers of titled land, using certificates of title left in safe custody with his firm, for himself and companies controlled by him. The properties were mortgaged to various financial institutions for about $3.3m, which Palmer kept for himself. In fact, there have been recent similar frauds in New South Wales.

As far back as 1980, all known frauds involving freehold land in Queensland have been perpetrated by persons in possession of the duplicate certificates of title. Those criminal activities were assisted by the community's perception of trust that the person holding the certificate of title, usually referred to as the deed, is the owner and is entitled to deal with that land. It is appropriate to say that the banking industry supports this concept as it will mean now that they will no longer have to maintain large security areas within their organisations.

This Government's $10m computerised titling system radically changes a process for

property registrations that has been in place for 130 years. This, in itself, is a problem; change does not come easily and is always the subject of suspicion. The change is major because the automated titling system moves away from a paper-based system to a computerised system which industry groups and general communities have never encountered before, though it maintains the basic principles of the Torrens system of title of registration that has been in place for 130 years.

The change was necessary to handle Queensland's growing economy. As honourable members would realise, we have the fastest growing economy of any State in Australia. We have now seen transactions climb to nearly 3 000 a day, when the old system was only capable of processing about 1 500 a day. This large throughput created an intolerable backlog of up to 30 000 transactions, which led the ATS design team to overhaul every aspect of the old system so that it can handle the huge and varied volumes. The overriding design of ATS centred on speed and security: speed in reducing title searches from days to minutes, document registration from weeks to days, and security and safeguarding of electronic transactions. To achieve this, paper was virtually eliminated from the system, as paper was the chief cause of the long delays as it had to be continually handled by several people from lodgement to registration. To assist this paper reduction, there was vast procedural change in the number of processing steps, multiskilling of staff and the cutting of the number of Titles Office forms from 57 to 20. However, the most significant change was the elimination of the owner's duplicate copy of the original title deed, and it attracted attention on two levels: settlement protocol, involving lawyers, and general community perception. Many people believed that the duplicate title was the ultimate proof of ownership and the chief safeguard against property fraud. The duplicate has never been that. The ultimate proof of ownership is the original title deed which has always been kept and will always continue to be kept in the Titles Office. Concerning security, as I said earlier, all cases of fraud in the past 10 years have involved the duplicate copy, and I remind members again of the Peter Palmer fraud.

I will try to explain it in the simplest way I can so that the members opposite understand it. I believe that the member for Warrego, Mr Hobbs, who is not in the House, has a perfect understanding of it.

An Opposition member: Yes, he is.

Mr DOLLIN: He is here, but I think he has been spreading misinformation and half-truths around the State, and now that he does understand it himself, he does not know how he is going to go back and say, "Listen, all that stuff that I told you is wrong". This is his great concern. He knows what the truth is, because in the Estimates committee hearing he questioned the Minister for Lands over and over again about it, and it was explained to him down to the last detail. Maybe it is just that he is as thick as wood.

This is a simplification of the system. Instead of the duplicate copy, after registration, owners will now receive a full print-out of the title record through the automated titling system free of charge.

Mr Hobbs interjected.

Mr DOLLIN: The member ought to listen. This will replace the summary of registration previously provided and offers the clients the opportunity of independent checking and detail entered on the title. Further, clients may request for reasons of keepsake—where they want to keep their old deeds that grandfather originally got—the return of the old style duplicates of title, but it will be perforated, endorsed and cancelled. If a person requests that, that person will be able to hang it on his or her wall and say, "That is what my grandad achieved." That can be done at no charge.

Besides all this, clients with unencumbered properties who still want a signed and sealed duplicate copy of title will be able to obtain one by paying a fee of $40. That is what it has always cost—no more, no less, for years. So there are no extra charges there.

Mr Robertson: A National Party tax.

Mr DOLLIN: They did not call it a tax, but they call it a tax when we do it. Concerning settlement protocol, key industry groups have until the end of August to finalise the new arrangements which will not include the duplicate. Some lawyers may resent this as the old system was bread on the table for them. The outcome is not expected to differ greatly from the old system and the difference will probably be that, under the old system, clients paid money for the title but still had to register the title before they became legal owners, and that was the certificate of title that they have always paid $40 for, which was not very smart.

Under the new system, because there will be no duplicate title to hand over, the transaction will probably be lodged before the money is paid—a safer option, saving time and money. Under the new system, everything is able to be conducted out of a solicitor's office, if the solicitor puts in the necessary gear, or out of a Lands office. But the challenge for the industry will be to adjust to not having Certificates of Title to settle—something that has been ingrained in the

industry for the past century. As I said, change never comes easily.

Another aspect of the new system that appears to be worrying people is that they believe everyone will be able to walk into a Titles Office, gain possession of a print-out of their title and on-sell it. This is unfounded, as security is on two levels. Firstly, clients must obtain a statutory declaration that they have lost their duplicate or their signed and sealed copy. Secondly, they must produce a photo ID at the Titles Office before a print-out can be obtained. In addition, only some 20 per cent of titles are unencumbered and can be obtained.

Concerning general security—there are two active computers with live titles in different locations in case of disaster. The data is backed up daily, and a copy is stored off-site in case of a disaster. On top of these safeguards, all the paper tiles, including cancelled ones, are progressively being computer imaged and stored on optical discs, creating a secure and recoverable backup system for the first time in 130 years.

Also, the State Government guarantees market value compensation to an owner who is deprived of a title through fraud—the ultimate safety net. One could not ask for much more than that. If it does go wrong, the Government provides compensation. With these safeguards, this makes the automated titling system much more secure than the paper-based procedure.

The data-capture stage of the $1.7m paper titles will be completed by the end of 1995 and will allow the system to operate at full speed, making Queensland's titling the most modern in Australia. When this is achieved, it will save millions of dollars for development and the building industry alone in time saved from hold-ups and interest payments while they wait for titling—as occurred under the old system.

I emphasise that the Bill will retain the basic principles of the Torrens system of title registration. Surely, after this very plain and crystal clear explanation, Opposition members should have no further doubts. They should be honest. They should go back into the bush and say, "Listen fellows. I had it wrong. It is quite safe. It is safer than the old system." I recommend the amendments to the House.

Mr SANTORO (Clayfield—Deputy Leader of the Liberal Party) (2.43 p.m.): I only wish that the Minister, in his answer to a Dorothy Dixer this morning, and the honourable member who has just spoken could have made enough sense to actually satisfy me so as not to necessitate the delivery of this contribution. I wish to assure the Minister and members opposite that I wish to make a contribution of about eight to 10 minutes. However, if they persist in provoking me, I will be happy to take them on a Cook's tour of the Titles Office—and take 30 minutes. I am happy to do that, but it is up to them.

First of all, I want to start in my usual gracious way, that is, to thank the Minister for finally providing this House with a revised set of figures in regard to what it is really costing to maintain and operate the mini Titles Office empire that I have talked about. It is almost as bad as the evil empire that I talked about the other night in respect of political assassinations within the ALP. But I want to get back to the empire of the Titles Office.

I have not had time to go through the figures supplied in great detail. However, what is obvious at a quick glance—and the Minister has a lot of explaining to do—is that the figures that the Minister supplied this morning are five times higher than the figures he supplied in this House in answer to my question on notice on 18 November 1993. The $7,000 operating cost for the far-northern region has turned into $39,439, and we want to know why. The figure that the Minister gave in November in relation to the operating costs per annum for Mackay was $2,185, and it has now turned into $41,029.

I suspect that we are getting a little—and I stress "a little"—nearer to the truth. These figures, in my opinion, are still a long way short of the figures for wages alone of the staff listed in the internal phone book as being titling officers. That is what I am going on—the internal phone book of the Lands Department, which was leaked to me in the middle of last year and from which we derived the analysis that I have tabled in this place. However, I do acknowledge that we are getting just a little bit closer to the real cost of running the land titles empire.

In the far north, we estimate the wages alone as being $60,000 per annum. There then has to be added the overheads of rents, phones, faxes, supervision and management which, using the department's own figures, come to a further amount of twice the wages cost. I tabled a detailed analysis of our estimate of the costs of the mini Titles Office empire on 1 December 1993.

For the benefit of honourable members opposite, I want to stress that it was an extremely detailed analysis. It was a tabulated analysis which drew from annual reports and leaked information. It drew from a comprehensive source of information which the Minister still has not rebutted. If the Minister can prove that I am wrong after addressing the very detailed analysis which was tabled, I would be happy to withdraw any of the allegations that I have made about the land titles empire. I give to the Minister the

undertaking that I will do so. But I want the Minister to go through those figures and say specifically how those figures are wrong.

Using the Minister's own figures, and dividing them by the costs, we get an estimate of the extra costs that the Queensland taxpayer is carrying to run the empire. In the case of the far north, it is $4.60 for every dealing lodged. If we use the figures that we have very strong grounds to believe are correct, the number jumps to about $25 per dealing lodged in the far-north mini Titles Office. I think I also see that the figures for lodgments have failed to separately list a number of the department's new empire expansions in Kingaroy and Maroochydore. I thank the Minister for these figures, and I will arrange for a far more detailed scrutiny. In due course, unless I am satisfied beforehand, I will advise the House of the analysis.

Of course, all this empire building is almost certainly in dramatic breach of Public Sector Finance Standard 320—an issue which I have raised in this place, with no response forthcoming from the Minister. Public Sector Finance Standard 320 requires that services must be priced at a level to encourage rational economic choice and efficiency in service provision. I am sure that this is the reason for the difficulty in getting to the true figures.

As the Minister very well knows, he has supplied these phoney figures to the PSMC, and now he may just have to tell them that the books were cooked. I see the Minister laughing. He can tell me that the costs of running the Land Titles Office are being spread across a whole stack of other uses that come with the administration of the Lands Department; he can tell me that those charges that I have just talked about—and which I will continue to talk about in this contribution and beyond—do not apply; but it is up to him to address this issue in a comprehensive and statistical way—and if he cannot do it, he should ask his competent officers to do it—and supply the House with the real figures that he believes he has.

For the information of all honourable members, let me outline how the Lands Department is ignoring Public Sector Finance Standard 320. Rational economic choice requires that the true cost of the provision of services——

Mr Robertson interjected.

Mr SANTORO: What happened to that determination not to interject on me? I thought Government members did not want me to talk for longer than 10 minutes.

Mr Robertson interjected.

Mr SANTORO: I did not have to go to the Estimates for the very simple reason that I can do nothing more than come into this House and, during question time when the full Parliament is assembled, ask the Minister questions, put them on notice, and make the Minister and his department accountable to the House as a whole. I did not have to go and ask any questions of the Minister during his appearance before the Estimates committee, because we had a most competent shadow Minister who sought to get answers to the questions again.

This displays the honourable member's ignorance and shows clearly that he has not even bothered to read the questions that the honourable member for Warrego asked, let alone the answers. If the honourable member had read the answers, he would be ashamed of the lack of comprehensive answers given by his Minister who, together with other Government members, claims to be part of an accountable Government and an accountable ministry. He just did not supply answers to the honourable member. I did not intend to waste the time of the committee or other members by turning up. Plenty of other members wanted to ask other questions. I was very, very pleased to leave it till another time. I can make my contribution in the debate on this Bill, and I am pleased to do it.

Rational economic choice requires that the true cost of the provision of services be reflected in the prices that users are charged. The department gleefully provides courier and mail services and allows orders to be transmitted over its taxpayer-purchased and subsidised network for the same price as it charges a customer standing at the counter of its main register in Brisbane. It pretends that having an office open in some outlying place with staff, rent, telephones, facsimiles, computers and so on is free. What it is really doing is cross-subsidising those services from the main revenue streams.

As with all things, there is no current vacuum in the provision of services being offered by the mini Titles Office empire. All of those services are already provided by efficient private sector operators which, as I started saying two and a half years ago, the Minister's department is trying to send broke and send out of business. The only problem is that those private sector operators do not have free couriers, free phones, free rent, free wages, free computer terminals and computer communication facilities and free office equipment, so they cannot provide services to those places at the same price as the services that are provided over the counter in Brisbane.

Private sector operators can and do provide as fast or faster service. They generally do it at higher quality levels. However, what they cannot

do is provide it for free. Naturally, the good old taxpayer can, although not willingly, when it suits some public servant to empire build and grab market share by pricing his services with a huge cross-subsidy. If the Minister disputes that that cross-subsidisation occurs, I challenge him to table in the Parliament his tabulation of the cost of providing those services. I challenge the Minister to do what I did several months ago, that is, to table—not necessarily today because it may be a difficult exercise in the time left available—a dissection of the costs involved in providing the services via the Titles Office.

Recently, formal complaints were made to the department about at least one regional mini Titles Office manager who saw himself as the champion of destroying private enterprise. That worthy, or one of the minions, was driving from town to town and visiting solicitors' offices. While in those offices, he would examine Titles Office documents produced by the solicitor, assist in their correction, then ring his nearest centre and do a phone lodging of the document, all in complete breach of departmental policies. I commend the Minister and his executive director because I am told that, as a result of the formal complaints, he has been instructed to cease and desist that practice, and he has done that. I go on the record as commending the Minister and his department for making sure that departmental guidelines were sustained.

Unfortunately, that is not an isolated incident. Unless the Minister develops a culture within his department that dictates that the private enterprise providers of services similar to those that the department provides should not be stamped on, that particular complaint will be made time and time again. Because I am a champion of private enterprise and small businesses, I will be forced to rise in this place time after time and defend them.

Of course, one cannot keep a good Sir Humphrey down, so what does our man dream up next? I refer to a most minor, unofficial mini Titles Office, which is located in Kingaroy. I use the example of Kingaroy specifically because, in answering a Dorothy Dix question earlier, the Minister had a go at me. He said that there is some dichotomy between members of the coalition in terms of the provision of services to people who live in rural centres. The Minister should be absolutely clear that there is no division between us. We are all in favour of providing services and funding the provision of services to the rural sector. However, we are not in favour of covering up the cost of that service provision to the rural sector by hidden cross-subsidies.

That has been my main accusation in this place on that issue. The costs should be up front so that the taxpayers know precisely how their dollar is being spent. I am the first to go on record in this place as saying that, particularly in times of natural calamity such as the drought and in times when difficulties are being experienced because of lower commodity prices, people living in the rural sector should be looked after. Contrary to the mischief that is being created by Government members, I do not dispute that people living in rural areas should be looked after.

In Kingaroy, officers will photocopy one's document—the Minister disputes that this happens—fax it to officers in Maryborough, who will then examine it, and if acceptable, accept the fax for lodgment, give it a dealing number and fax that back to Kingaroy where the lodger is given it. Officers in Kingaroy then courier the document to Maryborough, where an officer will match it up with the fax and send it all to Brisbane for processing. If the Minister thinks that his department is observing Public Sector Finance Standard 320, he must be joking. It must consume hours of public service time to divert a few documents from the private sector operators who provide an almost identical service but who do not have free Government facilities and who must pay wages. Sadly, the private sector operators must charge for their service.

The Hilmer report titled "National Competition Review" could be the reason for much of that objectionable activity. Is the public service trying to get set so that it can claim that all of that cross-subsidised empire building was pre-existing and therefore not subject to the requirements of the report? The most relevant part of the report requires Government-provided services to be costed with reference to the cost of provision and in such a manner as to be competitively neutral. Cross-subsidies, free rent, free wages, free phones, free couriers, free computer connections and so on are not competitively neutral.

Naturally, the clients will pick up a subsidised or free service over one for which they must pay what it costs. That is sensible on the part of the clients but it is not rational economic choice and certainly not good news for the taxpayers of this State. This department has and is engaged in a whole range of activities noted as objectionable by the Hilmer report. Can the Minister assure the House that, when the Queensland Government adopts the Hilmer report later this year, all the objectionable practices of the Lands Department will be abandoned and that no attempt will be made to justify them as being traditional practices? I would bet that he will not do that.

A classic example of a subsidised service is the docfax service, which is blatantly costed without reference to the true costs of providing the service. Like all of the figures that that department produces, it is based on selective inclusion of a few figures whilst omitting the real costs, which include rent, management, supervision, cost of capital and so on. Even though it is a different department, I believe that the fee charged by CITEC for data delivery also would be completely unable to withstand an independent scrutiny. It is set way below the real cost of provision of the service. If the Minister disputes that, I again ask him to table for the information of honourable members the comparative costs, the real costs, of providing the service.

Recently, I was made aware that the new, much-trumpeted automated title system is built on quicksand. That concern has been raised by Opposition members. I want to raise some of the technical aspects of that concern. As part of its huge empire building, the Lands Department built its own computer centre rather than using the State Government Computer Centre, known as CITEC. From what I understand, the new titles register is running on a pair of Sequent computers in its computer centre. If those were to be damaged in any way, no other installation in Queensland could run the system.

This is an important point that honourable members should listen to. To understand the importance of this, honourable members should remember that the department has eliminated duplicate titles and intends to maintain the register only in the computer. If those computers or that computer room is damaged, it is all gone.

Mr T. B. Sullivan: Imaging.

Mr SANTORO: Before honourable members start squealing, I acknowledge that back-up tapes exist, but they are useless unless one has a machine to use to recover the data. If the only machine capable of running those tapes is destroyed or damaged—I will leave it to members' imaginations as to what could happen.

How likely is the destruction? As Telecom has learned to its cost, there are ways to make sure that even a minor fire will destroy every piece of equipment in the room where the fire occurs. The problem is the PVC insulation on the wires. When it burns, it generates hydrochloric acid gas which mixes with the water from the sprinklers and wrecks every single piece of equipment in the computer room, even if it was not involved in the fire. The only answer is a gas flood system which puts the fire out by excluding oxygen. CITEC has them. The Lands Department does not. There are heaps of other computers and odds and ends that could cause a fire in that room. With the move to the only record of title being a few magnetic bits in a computer, we are staring a total melt-down disaster in the face. It is urgent.

I am informed that, as late as two weeks ago, there was not a sprinkler system within that room. I hope that the Minister, in his reply, says that a proper sprinkler system has been installed in the room that houses the computer. If it has, the installation of that system has occurred during the last two weeks after Opposition members, including me, raised the potential danger. We were derided by the Minister and other people as being alarmist. If that sprinkler system has not been introduced, the potential disaster for the title system, which underpins the economic base of Queensland, is enormous. These are very real concerns, and Opposition members will continue to raise them for as long as they have to. It may annoy the Minister and it may annoy his officers, but Opposition members will continue to raise these concerns because they have a responsibility to do so.

The Minister may wonder, as other people wonder, why somebody such as I, who does not have a shadow responsibility in this area, has developed an interest in this matter. It is very simple: for the past two and a half years, solicitors, representatives from building societies and, more importantly, the consumers who use the Titles Office and its services have been coming to me in droves complaining about it. I do not want to embarrass Government members, but their constituents have been ringing me and saying to me, "We cannot get through to the Minister. Will you act on our behalf?" It has been my pleasure to look after those people.

As a result of the Opposition's interventions, some improvements have occurred. I want to place on record that since the registrar, Mr Loren Leader, was appointed, not everything has continued to deteriorate. I am pleased to be able to inform the House that, since Christmas, the completely unacceptable delay that the community was experiencing has been reduced substantially. I go on the record as saying that. I also understand that the delays incurred between lodgment and registration under the new ATS system are approaching acceptable levels. My many sources, both within and outside the Titles Office, say that access to the register for the groups that have been mainly affected has generally been good. I am happy to place that on the record. However, let neither the Minister nor any other member of this place be fooled: as long as the concerns are expressed to me, I will inform the House and I will look for action from the Minister and the Lands Department Titles Office.

Mr ROBERTSON (Sunnybank) (3.03 p.m.): Any member who rises to speak in this House after the member for Clayfield has spoken immediately accepts a very heavy responsibility to restore rational, sensible, truthful and factual debate in this Chamber.

Although this Bill contains minor amendments to the Land Title Act, it provides an opportunity to speak about the titles system and, in particular, the issue of duplicate certificates of title, and to try to assist the member for Clayfield to understand this important issue. Over the last few weeks, this issue has been raised in the media and, of course, in the Estimates committee hearing last week, and again this week. On those occasions, particularly during the Estimates committee hearing, the Opposition demonstrated that it has it wrong, wrong, wrong.

Mrs Sheldon's comments that appeared in the *Sunday Mail* on 5 June demonstrated her complete lack of understanding of the Torrens system of title by registration, which has been in place in this State for over 100 years. As a result of the grossly irresponsible comments by the Deputy Leader of the Coalition, who started this whole issue, significant but unnecessary concern has been generated in the community. Put simply, if the Sheldon system of titles were in place in this State, then the Peter Palmers of Queensland would be rejoicing. It is as simple as that.

I will outline very briefly the issues relating to duplicate certificates of title. The automatic preparation and issue of certificates of title has been eliminated by section 42 of the Land Title Act 1994. However, if the registered owner of a lot is entitled to possess the certificate of title, on lodgment of an application form and payment of the prescribed fee—which is $40, and which was in place under the previous Government—a certificate of title will be prepared and delivered in accordance with the registered owner's instructions.

It is interesting to note that fewer than 20 per cent of registered owners hold their land clear of mortgage in Queensland and are, therefore, entitled to possess their certificate of title, while the remaining 80 per cent of certificates of title—mine included, I might add—are held as security by banks and other financial institutions. Under the Land Title Act 1994, those 20 per cent of registered owners are able to apply for a certificate of title, if they require one.

As I said earlier, the Torrens system of title has been in place in Queensland for over 100 years. It provides an accessible public register for indefeasible interest in freehold land. It does not—I repeat, "it does not"—require the owner of freehold land to hold a certificate of title to prove ownership. The land registry in Queensland is, as it has always been, the repository for all documents relating to title for freehold land, and it is the only acceptable evidence for Government guarantee of each title.

I take on board the comments by the member for Clayfield. What if a fire starts? Of course, I am assuming that the member for Clayfield does understand that paper burns also. Perhaps I will let that one pass. I say to the member for Clayfield that if he wants to debate in this place how to fight fires he should first of all see the Fire Service and not come up with the arrant nonsense that he spoke earlier on.

Mr Santoro: What would you know about the Fire Service?

Mr ROBERTSON: That technological Luddite asks me that question! I recall that the member was Opposition spokesperson for Emergency Services. Can I say that that portfolio was the biggest joke among my membership in the Fire Service throughout Queensland. They said, "Oh no! What hope? No hope."

Mr Ardill: He lights fires. He doesn't put them out.

Mr ROBERTSON: That is right. The member is more inclined to light fires than to put them out.

Mr Santoro interjected.

Mr DEPUTY SPEAKER (Mr Briskey): Order! The member for Clayfield will cease interjecting.

Mr ROBERTSON: Mr Deputy Speaker, I thank you for your protection.

Previous to the introduction of the Torrens system, title was established by production of documentary evidence of ownership. That evidence was retained by the owner and further evidence was attached with each transaction or change of ownership. In fact, in instances of involuntary actions, such as resumptions and sales, where the owner is genuinely unwilling to deliver up the certificate of title, the certificate of title held by the owner is partially or fully cancelled without production. Accordingly, a considerable number of certificates of title—paper titles—that are in existence do not mirror the register. Only the register can be relied upon as evidence of indefeasible title.

As a result of the scare campaign—the misinformation campaign—by members opposite, some members of the community have the misconception that certificate of title is proof of ownership. It is not. However, as is

appropriate, no solicitor or lending institution would consider advancing moneys without first searching the register—the central register.

A search of the title, which is available for $10, is ample proof of the registration of a transaction. The Department of Lands Land Titles Program maintains the only official register of interest in freehold land in the land registry. Government guarantees indefeasibility of title in accordance with only the land registry records.

Much to the disappointment of the Sheldon system of land titles, the abolition of the duplicate title will lessen the chance of fraud being perpetrated. Dating back to at least 1980—and I hope that Opposition members are listening to this—not just the Peter Palmer case but all known frauds involving freehold land in Queensland have been perpetrated by people in possession of duplicate certificates of title.

Mr Hobbs: How many?

Mr ROBERTSON: If the member does not know that, he is not doing his job as Opposition spokesman.

Those criminal activities were assisted by the community's perception of trust that the person in possession of the certificate of title is the owner and is entitled to deal with the land.

Mr T. B. Sullivan: And this is the system they're supporting?

Mr ROBERTSON: This is the Sheldon system of land titling.

The elimination of duplicate titles has also been introduced to contribute to the streamlining of the registration system, yet still offering the option of equitable mortgages by pledging the certificate. It is a positive move towards a system where a document can be processed and registered at any location regardless of the point of lodgment. The existence of duplicate titles and the need to present them hinders this ability to streamline and gain the efficiencies that automation is intended to provide—the same automation that the technological Luddites about whom I spoke before do not want to embrace.

Mr Beattie: You mean the member for Clayfield?

Mr ROBERTSON: In drafting the Land Title Act 1994, the efficiency, security and accessibility of the land titling system in Queensland, now and into the future, were taken into consideration. Modern, yet tried and proven technology provides the ability to introduce an efficient, secure and remotely accessible register of land interests—a system, incidentally, that will soon be the envy of the rest of Australia.

I was fascinated with the comments by the member for Clayfield earlier today and last night. I thought for a moment that there was a significant split in the coalition and that the urban interests of the Liberals were somehow in conflict with the interests of the agrarian socialists. Thankfully, the member for Clayfield tried to clear up that issue today. In assuring us that there was no division between the coalition parties, he said, "Let me make it perfectly clear, we do not stand for cross-subsidisation." It seems that the member for Clayfield has just dug the hole even deeper than he dug it last night. Fancy saying to the National Party that he does not believe in cross-subsidisation.

Mr T. B. Sullivan interjected.

Mr ROBERTSON: Exactly. If he had his way, there would be a user-pays principle for electricity in rural areas; and there would be a user-pays system for Telecom services and for every other essential service in rural areas. Yet he tries to convince us that there is no difference of opinion between the Nationals and Liberals. What absolute rot! As I said, he has dug the hole even deeper by saying, "Let me make it perfectly clear, we do not believe in cross-subsidisation."

If I may be allowed a "Santorism" in this place—I will be able to circulate Mr Santoro's speech and my speech in this debate right throughout the rural areas. For instance, I will be able to take his speech to Bundaberg. The coalition wants the Titles Office closed down there. I will be able to take his speech to Maryborough, another place where the coalition wants the Titles Office closed down. The Opposition does not want to provide these services to rural areas. That was the whole point of his argument. Also, I will be able to take his speech to Roma, Mount Isa, Rockhampton and Toowoomba— Toowoomba, the great comeback for the National Party. The people in those places will be able to see that the coalition—the Liberals and Nationals—do not want to provide services used by thousands of country people.

This Government provided those services through regionalisation and the opening up of Titles Offices throughout the State. The coalition does not want to give people access to those services. The member for Clayfield has damned himself by trying to clear up this issue. He has dug the hole even deeper. He is against cross-subsidisation. Therefore, he is against services to rural people in this State. As long as National Party members sit on the same frontbench as the member for Clayfield, they stand similarly condemned.

Miss SIMPSON (Maroochydore) (3.14 p.m.): This amending legislation brings about the running repairs to the bomb that was

introduced to Queensland land-holders and implemented from 26 April 1994. The Opposition is supporting this legislation because it recognises some grave errors were made in the original legislation. Unless there are some amendments, it will be detrimental to land-holders.

Interestingly, somehow in this brave new world of the Labor Party, it just forgot to include elements dealing with mortgages—for example, that a mortgage could not be attached to a title. It also forgot to include a number of other things in the legislation. The Government also forgot to consult with the legal industry about some means of implementing this new legislation. The Government also forgot that it could have problems by stating that people "may" have a title, instead of including the legal requirement that people "must" have a title.

All of these things are indicative of the mess that the Lands Department is in. Certainly, this is evident from the way that the Government is drafting its legislation. A number of problems arise from the Bill that was introduced originally. I still have some concerns about the amending legislation, about which I will ask the Minister. Maybe there is a logical explanation somewhere that the Lands Department and the Minister can bring forth.

Of course, JPs were greatly concerned about having quite onerous responsibilities put on their shoulders. I was pleased that some moves have been made to try to overcome some of those problems, although I understand that there are still some concerns. One aspect on which I will seek the Minister's clarification later relates to section 147. There are provisions for a schedule of JPs and witnesses who are able to witness documents for Joe Blow citizen and his property. But there appears to be a dichotomy; there is a question about whether a witness is needed for transactions. That is a matter that perhaps the Minister can explain. I ask the Minister: is it true that under the former Real Property Act corporations were required to have an independent witness? Maybe they did, but they do not under this legislation. That is a matter of concern that has been brought to my attention. Page 7 of the *Proctor* magazine——

Mr Beattie: The Law Society Journal.

Miss SIMPSON:—the Law Society Journal—of June 1994 stated—

> "However, an instrument executed by a corporation is no longer required to be witnessed by a prescribed witness. It is sufficient if the instrument is sealed with the corporation's seal in accordance with section 46 of the Property Law Act. Section 46 (1) provides inter alia that a deed will be validly executed if a corporation's seal is affixed in the presence of and attested by its clerk or secretary . . . and a director."

From the comments of these lawyers, it appears that an independent witness is not needed to sign and witness these documents. I ask the Minister to explain whether that was previously the case. That opens for discussion whether this is an acceptable practice. Perhaps we need to be looking at whether it is right that Joe Blow Citizen needs to have an independent witness from the schedule to witness his signature for a property transaction when, somehow, a corporation does not.

This matter was brought to my attention by a land-holder who was given that advice. A company had the relevant section of *Proctor* which said that it did not need a JP to witness a signature, as it was a company. That was its advice from the Lands Department staff in Gympie. The company asked the office how it was supposed to sign the form. The staff of the office went through the form with the company and said, "Yes, this is the correct procedure for signing Form 19."

So the company went ahead with the advice it received from the Lands Department. A month and a half later, it received an urgent notification from the Lands Department saying, "Quick, give us another $21. You have to have a JP witness this document." Obviously, this was after the company had been given advice by Lands Department staff. After waiting a month and a half, the company was told that its documentation was not adequate and that it needed a JP. Members can see the confusion that this is causing. On the one hand, *Proctor* is saying that there are corporations which do not need an independent witness, yet on the other hand a corporation, which was told that it did not need an independent witness, was told a month and a half later that it did and that it had to cough up another $21. The inference is, "Forget about the advice you were given along the way. Pay up and you will get your document."

There is an awful lot of confusion, even among Lands Department staff. This goes back to another issue that we touched on with the previous Bill, namely, the problem with duplicate certificates of title. What Lands Department staff were telling the Joe Blow public was going to happen with their documentation hit the wall when the Minister was challenged on this particular issue. Lands Department staff in Gympie and in Anzac Square were advising people when they lodged their duplicate certificates of title for processing that they would not get them back. When the people asked, "What will happen with this document?", they

were told, "Well, it is going to be shredded. If you want another copy, it will be 40 bucks, thanks." The Minister objected to that, but that is what his own staff were telling people.

The Government thinks that it can weasel its way out of this one by saying, "But the documents were cancelled." These people lodged documents that they did not ask to be cancelled. But the Government, through the procedures it put in place, is legitimising the cancelling of those documents. The Government thinks, "Now we can turn around and give the authority to shred them." The interesting thing is that after that hit the fan and the public found out about it, the Minister then said, "You can have the documents back." But that is not what the Lands Department staff were told when this system was brought in.

Mr T. B. Sullivan: Are you picking on public servants now, are you?

Miss SIMPSON: I blame the Minister for not giving the proper consultation to the industry. I blame the Minister for making a situation where there has not been a proper time frame and for allowing a new system to come about. There were always going to be problems in bringing a new system in, but this is an absolute bomb.

The Minister is defending the mess in his department by saying, "Computers are the answer to our problems." The reality is that we have had land booms in Queensland before and we have never had such a mess as this. It all goes back to the Goss Government and to this Minister. It is an absolute disgrace. The people out there who are dealing in land know about it. The people out there who are trying to buy and sell land and the legal industry know that the Government got it wrong. I have no problem with a computerised system where people still have a safeguard of a physical document as well. The Government can say, "There is no safeguard with a duplicate certificate of title." But the reality is that those documents were used at property settlements for various reasons. Certificates of title also provided a greater protection against fraud than under the present system. We still have this problem where there is a potential for fraud now.

I refer to another solicitor, James O'Callaghan, a partner in the Brisbane office of the national law firm Corrs Chambers Westgarth, who also spoke on this particular issue. He said that the absence of a certificate of title introduces the possibility that a dishonest vendor may contract to sell the same land to different purchasers with settlements due on the same day. This is actually creating a bigger problem. This is a matter of grave concern and I do not see it mentioned in the legislation. Perhaps the Minister can enlighten us whether it is hidden somewhere in this amendment.

The sorts of provisions that should prevent these sorts of actions coming about should not be put into regulations; they should be put into the legislation. I love computers. The Minister is off riding a donkey around the countryside if he thinks that we are against upgrading the system. This is the Government that did not like me having a laptop in the Chamber because I was getting a whole lot of work done. This is the Government that has a problem with modernisation of the parliamentary system and bringing in a computer network for the electorate offices. The Government had a problem with even providing a modern telephone system. Yet it thinks that, because it has brought in a new system in the Lands Office and because we are questioning the very legitimate problems that it has not solved with this new system, somehow we are harking back to old days. I have news for the Government.

What has happened is that the Government has brought in a new system that does not give people the safeguards that they deserve by having a physical document, a duplicate certificate of title, which gets updated whenever there is a transaction on that master title. The system that exists now with the master title being transferred to computer is fine if there is also a physical document which is always updated to provide the land-holder with some form of protection. This is what this Government has not provided. It is no wonder that people are upset, and for very good reason. The Government has not explained it to them. Worse than that, the Government has not explained it to its own staff.

With respect to the question of witnesses, I would appreciate the Minister's elucidation on that particular issue. I would also appreciate it if he could somehow work out this mess for this constituent who is being asked to pay 21 bucks after either being wrongly advised initially or being wrongly advised later. Here we have what appears to be two rules. There is one rule for Joe Blow public in the transfer of documents and, according to *Proctor*, a different rule for somebody who is transferring property with a corporation. All of these are matters of concern.

I raised the issue of computer titles before. The way the system is being brought in is of grave concern. I also raised the issue of the heritage value of documents. The Minister is now saying that he will allow people to have them back if they want them. That was not the case from the beginning. At present, constituents are coming to me and saying, "We have been told that that document is going to be perforated." If

the document had heritage value, I do not think it will have heritage value after it has been punched full of holes. The Government has ignored the heritage value of people's documents and it has taken away their safeguard of a duplicate certificate of title which gave them some protection against the typical messes that are made in the Lands Department.

I believe that it is about time the Government resourced its staff correctly, that it put proper funding into it and that it also got a Minister who can do the job. The problem is that we have a system now which "ain't" working. It goes right back to the Government. It is nice to see some acknowledgment that the Government got it wrong in its first attempt, which was implemented in April, and now has to fix up some problems. However, I think the Government will find that there will be a whole lot more problems that it will still have to fix up in this legislation.

Mr BEANLAND (Indooroopilly) (3.28 p.m.): Mr Speaker——

Mr Beattie: Oh, not you, too.

Mr BEANLAND: I am thankful for the welcome to the Chamber by my colleagues, particularly those on the other side. It is very generous of them. These amendments to the Land Title Act 1994 are to commence on the same date as the Land Title Act 1994 commenced, that is, this legislation came into force on 24 April 1994. This in itself, of course, speaks very loudly about what we are on about today with these amendments. It tells us quite clearly that the amendments to the original legislation are to commence on the same day, the reason being that the original legislation was fundamentally flawed. This Bill contains 15 amendments to some very basic definitions. In a moment I will refer to them, as they highlight the incompetence and the failure to ensure that these sorts of things were correct in the first instance. I am not talking about complicated matters; I am talking about fundamental issues that, had the Minister taken proper advice from the right and proper people and consulted widely in the first instance—I understand this legislation was in the pipeline for some time—then we would not have had this problem and concern that has occurred in the community in the way in which it has.

Incompetence and mismanagement is exactly what has occurred in relation to this legislation. There are 15 amendments being dealt with today and they refer to such things as the basic definition of "mortgage" itself. It is not a one-off matter, but a mortgage. Someone said before that 80 per cent of deeds have a mortgage on them. So clearly this is a very important matter when it comes to dealing with title deeds. The amendments deal with the authorisation of printing and the sale of forms, the issuing of certificates of title, requirements in relation to the registration of a plan of subdivision—and how many of these title deeds get involved in subdivisional requirements—requirements of instrument of lease, and requirements of instrument of mortgage. We are dealing with very basic matters here—everyday matters that are handled by the financial and lending institutions, solicitors, the community and the Minister's Titles Office. This amendment Bill also covers the effect of registration of a mortgage, powers of mortgagee, lodging a caveat, power of attorney and revoking or disclaiming a power of attorney. The Minister could not even get the obligations of witnesses for individuals right! That speaks volumes about the problems that we face.

It is no wonder that this week the Government has had such a bad trot. There were the problems with the Treasury Legislation Amendment Bill and the subsequent backdown on the stealth tax. This morning, there were the problems with the Anti-Discrimination Amendment Bill. Now we have this Bill, which has to be made retrospective to the date of the legislation that it amends. The Minister would not hold up the original legislation; he had to rush it through. It is clear that the Titles Office was not prepared for the legislation. I have received a number of complaints from people around the State, particularly solicitors. This Minister certainly knows how to create a workload for a shadow Minister! Many of my constituents have been ringing me constantly about various facets of this legislation—and I will detail their concerns in a moment—as have a number of solicitors. They have contacted me as the shadow Attorney-General complaining bitterly about the failure of the Minister to inform them of the effects of this legislation, the lack of time scales and so on.

I received a letter—and I am sure that the Minister also received a copy of it—from the Central Queensland Law Society complaining about the Titles Office in Rockhampton and the fact that it is extremely behind in its processing of applications. Before the new system was implemented, people could have checks carried out within a day. Detailed searches were undertaken on a same-day basis. After the new system was implemented, for several weeks that situation reverted and the processing time blew out to three weeks. I understand that the situation has improved, and perhaps things are back to taws. However, when new systems are being implemented, it is vital that proper management practices be adopted. Had that

occurred, the current problems would have been avoided.

Over the last 130 years in all land transactions, people have received title deeds with the words "the State of Queensland" or "the Colony of Queensland" on them. I will not canvass the arguments about original deeds or duplicate deeds. The pertinent point is that people now do not receive a deed unless they ask for it. People are very concerned about that fact. Many elderly people are very anxious about the new procedure. They may be undertaking their last land transaction before moving into a retirement village or selling their house to move into a smaller house. Suddenly, those people are confronted with the new system, and all hell breaks loose because they are not receiving a deed. They are very concerned that in some way they will be cheated out of their title.

The Minister has handled this matter very poorly indeed. Although we are all pleased that these amendments are being made, the fact remains that the Minister did not consult widely enough in the first instance. Many people offered assistance, particularly the Queensland Law Society, which has a plentiful supply of qualified people who could have properly advised the Minister. I know that the Minister took some initial advice from that organisation, but he did not do so once the legislation was in its more advanced stages.

I turn to the matter of witnesses to documents, to which one of my colleagues referred earlier. I am very concerned about this issue. I know that many justices of the peace are also concerned about it. This legislation proposes a significant amendment to the obligations of witnesses to documents. Previously, the obligations of such witnesses were that they must be satisfied that an individual is the person entitled to sign an instrument. As well, the individual had to execute the document in the presence of the witness, and the witness could not be a party to the instrument. Those two requirements are reasonable. However, the fact that a witness has to be satisfied that an individual was the person entitled to sign the instrument was of concern to many prospective witnesses.

That provision has now been amended to make it clear that a witness is required only to take reasonable steps to ensure that an individual is the person entitled to sign an instrument. The original obligation was quite clearly outrageous. However, I understand why such a provision was proposed. It was designed to prevent cases such as the one involving Peter Palmer on the Gold Coast. Because of that one case, this Government placed all sorts of onerous obligations on witnesses to documents. There is a limit to how far we can go. I am sure that the average justice of the peace was not aware of this requirement and would be horrified to discover that that was the proposed legal obligation. Under this amendment, the obligations have changed so that witnesses to documents are now required only to take reasonable steps.

I ask the Minister to outline the meaning of "reasonable steps". That should be spelt out in the record so that people are aware of their obligations. If it is not spelt out, I am sure that I will be plagued by people contacting me to glean the meaning of that term. Legal advice will be sought, and for sure each lawyer will give a slightly different piece of advice. The next thing we know, some unfortunate person will end up in court being prosecuted by another party because it will be claimed that reasonable steps were not taken to ensure that an individual was entitled to sign an instrument. The explanation offered thus far is certainly not to my satisfaction. It might satisfy the Minister, because it allows him to weasel out very easily and claim that reasonable steps were not taken in a particular case. For that reason, I seek an explanation of the meaning of "reasonable steps".

It is appalling that the original legislation was implemented before the Minister had time to ensure that the problems contained in it were resolved. We should not have to be passing an amendment Bill in order to resolve problems that should have been remedied in the first instance. Perhaps the original legislation could have passed through the House, and then the Government could have waited a few weeks to pass these amendments before the legislation was proclaimed. I ask the Minister to address the issues that I raised concerning witnesses to documents. That is a very important and worrying aspect of this legislation.

Hon G. N. SMITH (Townsville—Minister for Lands) (3.37 p.m.), in reply: I thank all members for their contributions. I note that the Opposition spokesman, Mr Hobbs, took a reasonable line. He accepted the responsibility of ensuring that these very necessary amendments pass through the House, and I commend him for that. Although to some extent he sought to gain some political mileage, I acknowledge that he adopted a responsible attitude. The same certainly cannot be said for other members opposite, who have run around the countryside spreading all sorts of claptrap. I refer to the honourable members for Maroochydore, Indooroopilly and Clayfield. I appreciated the comments of Government members.

This is the third time that this legislation has been discussed by members. The first time was when the original Bill was debated; there was a detailed discussion of it during the Estimates committee hearing; and now we are debating this amendment Bill. I realise that time is running out, but I want to address some of the matters raised by the shadow Minister in particular and a couple of other minor matters. However, I will not deal with the claptrap that was put forward by some Opposition members.

In common with all complex programs, the automated titling system has attracted unfair criticism because it is an easy target for politicians trying to justify their existence without doing very much work. In February, when the Lands Department gave Opposition members the opportunity to see the system in action with full demonstrations and briefings, only seven members bothered to turn up. The Deputy Leader of the Coalition, who has had quite a lot to say on this topic, did not turn up. She is not alone in making outlandish allegations. Other members, including the member for Maroochydore, have been muckraking around the countryside making deliberately false claims about the system. I want to put the department's position on record so that Queenslanders can see through the fabricated allegations that have been made about the automated titling system.

These are the facts: as a Government, we should never have been faced with replacing an antiquated paper-based titling system if the present Opposition, while in Government, had been a modern administration in its approach to doing business. All other States and Territories took the decision to computerise their systems over the past 10 to 15 years instead of allowing century-old processes to become part and parcel of the 1990s business environment. Why the previous Government refused to computerise the system is certainly beyond my comprehension, but the irony is certainly not. These are the same people who are now criticising the Titles Office for its computerisation program when they should have done something about it a decade ago.

The system's chief significance lies in the benefits it will deliver Queensland business as it provides structures and processes that allow companies to carry out their operations in a delay-free environment. This system replaces a process that has been in place for the past 133 years by introducing the very latest technology and reducing paper from the system. Underpinning this is vast procedural change, including reducing the number of steps involved in registration, multi-skilling of staff and cutting the number of forms from 57 to 20. And I thought we might have got some credit for that! No aspect of the system has remained untouched. No aspect of the system has not been improved in some way with the introduction of the ATS system. The major feature of the system is speed—speed in processing transactions that will save business time, money and resources. When the system is fully operational—after the data-capture stage; which will take a bit of time—search times will reduce from two days to minutes, while registration for simple documents will be reduced from two to three weeks to two to three days. I will just digress very briefly to make a comment on the remark about Rockhampton. The fact is that the ATS is going so well in Rockhampton that the throughput is now double what it was under the manual system. I do admit that complicated documents will require a little longer, but the time reduction ratio will also be significant. To achieve this transformation of a system that has been in place for more than a century, the Lands Department has been involved in consultation and discussion with key groups about procedural arrangements.

I will address a little bit of the hysteria being whipped up by the Opposition concerning various aspects, such as the alleged elimination of title, fraud and shredding of titles and a few other things that they went on about. I did want to touch on the shameless allegation of the member for Maroochydore that the titles were being shredded by the State Archivist on instruction from Cabinet. That was exposed by my colleague Mr Milliner some time ago. No instruction was given by the Cabinet to shred any title, and a statutory declaration to that effect was provided by the Chief Archivist, Lee McGregor and has already been tabled in the House. In fact, all duplicate titles that are surrendered will be kept initially for 12 months. In any case, they are also micro-filmed.

On the subject of the new settlement protocol—the department has coordinated an initial meeting of committees of key industry groups, but it is up to the industry groups to establish their own protocol, not the department. The department does not have a controlling interest in the committee, but the department, on request, will offer whatever assistance and resources the committee needs to establish that protocol. The deadline for the protocol is August, and hopefully the consultation with key industry groups will only alter slightly the way that business is currently conducted. The difference will probably be that under the old system, clients paid money for the title but still had to register the title before they became legal owners, which is not very smart. Under the new system, because there will be no duplicate title to hand over, the

transaction will probably be lodged before the money is paid, which is a much smarter option. It is a challenge to the industry. I was going to say, and I mentioned it this morning, that the Australian Stock Exchange will be computerised from 1 September. There will not be any issue of paper share certificates, it will just be a computer print-out. In summary, I might shed some light on the current debate. I will quote words from Robert Torrens, the Registrar-General of South Australia, on whose titling system and name the Torrens system in Queensland is now based. In 1862, when he gave evidence to the select committee of the New South Wales Legislative Assembly that was inquiring into the land title Bill proposed for New South Wales, he said—

> "The Germans in our colony never do take the land grant, or the certificate of title, when they become mortgagees because they are accustomed to the working system in their own country and they know that the possession of the instrument is of no use to them as they are in just as good a position to realise as if they had the certificate.
>
> But many of the English, who have not been accustomed to it, but who have been accustomed under the old system to hold custody of the title deeds representing the mortgaged estate, demand of the mortgagors the delivery up to them of the instrument of title. That puts the mortgagor in the position of disadvantage because he may find a difficulty in creating a second mortgage or in selling his land subject to the mortgage.
>
> It puts the mortgagor, in fact, in a position of disadvantage without giving the mortgagee any advantage whatsoever."

What the Goss Government has done, in effect, with its $10m computerised titling system, is to move Queensland forward to a pure Torrens system which was hijacked at its inception by those parties that wanted to retain the previous inefficient system for their own gain.

I turn to the comments by various members, and I appreciate the fact that nobody has seriously challenged the amendments. However, some of my notes will cover many of the topics that were raised generally. I will start with the Law Society. All initial concerns of the Law Society as far as amendments to the Act are concerned are addressed by this Land Title Amendment Bill. The residual issues that some members of the Law Society are concerned about are not errors but differences in philosophy. It is not unexpected that these and possibly future amendments are and will be required when one changes processes that have remained essentially the same for 133 years. I emphasise that the Torrens system is not being changed by these new amendments, only the processes of administration. In fact, the reason for the amount of the current changes is that they are the consequence of previous Governments not amending the legislation as technology and community values changed.

With regard to the allegations that errors can no longer be found because of the lack of a duplicate, at the completion of registration we supply a full computer search which contains all the particulars, just like a duplicate title. As well, the computer can be searched, which means that there are more ways to detect an error than previously.

As to witnessing—"reasonable steps" means that a witness must have made appropriate checks that any prudent person would take to ensure that the correct person has signed the document. With respect to the liability of justices of the peace, the Solicitor-General has advised that the statutory protection afforded by section 36 of the Justices of the Peace and Commissioners for Declarations Act is so drawn that should a justice act inadvertently but in good faith in discharging the obligations cast upon that person by section 147 of the Land Title Act, no civil action can be brought by reason of that inadvertence. It is only where the justice has acted knowingly—acted contrary to the law—or has acted maliciously, that is, in bad faith and without reasonable cause in failing to observe the law, that any possible liability could occur.

As to the matter of public concern—and I ask the member for Clayfield to listen to this aspect—given that about 3 000 titling transactions are occurring daily, it would be very interesting to express those numbers of concerns that the member for Clayfield and the member for Warrego spoke of as a percentage of the total number. There are a very small number of conservative people or sensible people who unfortunately are listening to the rumour mongers. As parliamentarians, we have a responsibility to ensure that the true situation is communicated to them.

Mr Hobbs indicated that the Law Society had an opinion that the transitional regulation is ultra vires. This only goes to show that the self-interest groups are trying to orchestrate fear. I have received an opinion from a senior QC that indicates clearly that the regulation is valid and that the Law Society's opinion is wrong.

As to the Justices Association—I ask honourable members to take this on board: I understand that the QJA's advice on this point comes from its consultant, one Peter McDonald, who recently pleaded guilty to offences of

dishonesty under the corporations law of the Commonwealth. I do not know whether his advice ought to be taken very seriously.

As to Mr Santoro's contribution—the figures provided on 18 November were operational figures. They did not include any staff costs or corporate support. The figures provided this morning include wages, some corporate support and operations. In addition, those offices are in operation right through the department. The honourable member needs to understand that it is not just confined to the titling aspect. The district offices with computer connections to the ATS actually benefit the taxpayers, because they can get the titles service in those centres, so they do not have to pay large amounts of money to ship documents and employ middlemen to provide expensive services that can be provided at the lands centres.

I wish to deal further with the scaremongering. The original computer is in the Landcentre. The ATS database is backed up on a second computer. Every night, the information is loaded on tape and stored at a different location. I mentioned this during my appearance before the Estimates committee the other night. On top of that, the original title is imaged, and we have copies of that title. The backup tape of the ATS, which is taken each night, is stored off site, not at Anzac Square. I understand that the true costs of the docfax service were investigated independently under the previous Government.

As to Ms Simpson's contribution—the legal industry was consulted on all elements of the Land Title Act. As I mentioned, the amendments before the House are generally of a clarifying nature and have been introduced to help the wider community overcome some of their fears.

In regard to section 146 and witnessing for a corporation—this section was written by the Law Reform Commission after full consultation with the Law Society and has simply been drafted into modern terms. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. G. N. Smith (Townsville—Minister for Lands) in charge of the Bill.

Clauses 1 to 13, as read, agreed to.

Clause 14—

Mr HOBBS (3.54 p.m.): I seek a little more detail in relation to witnesses to signatures. The Minister mentioned that the Justices Act will assist with witnesses to signatures and said that he believes that, should a case be brought against a witness, it may not succeed, provided that the witness took reasonable steps. Let us have a look at that. There will always be an argument about whether or not those witnesses took proper steps. The Minister is still placing those witnesses in a position of having to go to court. It may be debated in the public arena; it may be debated privately; witnesses are still going to be put under a lot of stress. Whether or not they finally get to court, litigation and other matters could easily arise.

Justices of the peace would have some idea of the Justices Act. An article in the official journal of the Queensland Justices and Community Legal Officers Association referred to what a senior State public servant told the QJA. He said—

> "As we read this Act, the JP acting as witness to property documents may be totally exposed for legal action if there's something illegal in the property transactions."

The article continued—

> "He pointed to Section 147 of the new Act, which sets out the obligations of official witnesses in the case of individual people, rather than companies, seeking a signature witnessing, for example, a land ownership transfer document."

Schedule 1 refers to witnesses to instruments. The Minister talks about people who can witness a document of this nature: a notary public, a justice of the peace, a Commissioner of Declarations; or take affidavits: a barrister, a solicitor, a legal practitioner, a conveyancer and another person approved by the registrar. Irrespective of who those people are, I still believe that the Minister is placing them in a position whereby they may find themselves facing litigation costs in some manner or form. The case might not succeed, but it is possible that they will still experience stress and trauma.

Mr BEANLAND: If I could follow up that point made by the shadow Minister—this is a particularly important matter, which I raised before. I was not satisfied at all with the Minister's reply. I would like to take it a step further.

Mr Budd: You weren't here; you were skulking around the back of the Chamber.

Mr BEANLAND: I shall ignore that nonsense in view of what has just taken place. People could be faced with the legal costs of having to go to court in the first place. When they get there they might win, and there might not be any problem; but in the process they could be faced with a stack of legal costs and problems. It is important to clear this up. The points made by the shadow Minister, the member for Warrego, are very relevant to this. I seek more clarification from the Minister.

Miss SIMPSON: I have a question for the Minister relating to this particular clause. The Minister touched on this subject at the end of his reply. Are there two different rules here—one for someone who is Joe Blow public and witnessing a document, and a separate rule whereby a company does not need an independent witness? In other words, is there one rule for somebody who is not a company and one rule for a company whereby it does not have to get an independent witness in order to lodge these Lands Department documents?

Mr WELLS: Section 36 of the Justices of the Peace and Commissioners for Declarations Act applies with respect to this matter. I speak from memory, because I do not have the Act in front of me, but I think that that section says that an action cannot be brought against a justice of the peace for any act done or anything which is omitted to be done or which is purported to be in the course of the duty of the justice of the peace concerned. That is extremely wide indeed. There are two exceptions to that: firstly, if the justice of the peace knowingly did something which was contrary to law; and, secondly, if the justice of the peace did it maliciously and without reasonable cause. If justices of the peace knowingly do something that is contrary to law, their main concern will not be indemnity; their main concern will be whether they will go to gaol. In relation to the second one—"maliciously and without reasonable cause"—those words are in the statute conjunctively, not disjunctively. One must get them both in order to establish any liability.

Very, very wide protection is given. I take on board the point made by honourable members opposite. What happens if an action is brought against a justice of the peace, notwithstanding the fact that that person knows that the justice of the peace will have that immunity at the end of the action? What one is talking about there is someone bringing a malicious action against a justice of the peace. In that case, that person will make himself or herself liable to a counter action for malicious prosecution. In addition, that person must pay the costs. As the immunity is available at the other end for the justice of the peace, the person bringing the action must pay the costs of both sides in the case in respect of the matter that he or she has maliciously brought.

Finally, one can imagine circumstances in which that would constitute a conspiracy to pervert the course of justice. Most firms of solicitors will be very, very careful before they take any action of that sort. With the permission of the Minister, I will read into the record the section of the Justices of the Peace and Commissioners for Declarations Act which here applies. It reads—

"4.04 (1) A person injured—

(a) by an act done by a justice of the peace or a commissioner for declarations purportedly in the performance of the functions of office but which the justice of the peace or commissioner for declarations knows is not authorised by law; or

(b) by an act done by a justice of the peace or commissioner for declarations in the discharge of the functions of office but done maliciously and without reasonable cause;

may recover damages

. . .

(2) Subject to subsection (1), action is not to be brought against the justice of the peace or commissioner for declarations in respect of anything done or omitted to be done in, or purportedly in, the performance of the functions of office."

The bottom line is that, if somebody maliciously brings an action against a justice of the peace, that person will be in big trouble. No sensible firm of solicitors would carry such an action.

Mr SMITH: I thank the Attorney-General for his contribution. It is a matter of some concern, and the remarks made by the Attorney-General will do much to allay that concern. I turn to the comment made by Miss Simpson. The fact is that Joe Blow, a member of the public, cannot act as a witness for a document. There is a Schedule. It has been passed by the Parliament. I will tear it out. I table that Schedule and seek leave to incorporate it in *Hansard*.

Leave granted.

Witnesses to Instruments

section 146

Place of execution of instrument	Persons who can witness execution
In a State, Territory or place outside Australia	• A notary public • A justice of the peace • A commissioner for declarations or for taking affidavits • A barrister • A solicitor • A barrister and solicitor • A legal practitioner • A conveyancer • Another person approved by the Registrar.
At any place outside Australia	• A person prescribed by regulation

Mr SMITH: One of the honourable members read out the class of people who can act as a witness. It may be good to put that on the public record. I do that quite willingly.

In relation to companies—I said this before but I will say it again: section 146, which refers to the witnessing of documents for a corporation, was written by the Law Reform Commission after full consultation with the Law Society. It has been drafted into modern language.

Miss SIMPSON: I again refer a question to the Minister for Lands on the witnessing of documents. I mention it for a constituent who, on one hand, as a company, was told that it did not need to get an independent witness and then, after a month and a half, received from the Lands Department a request for a further $21 in addition to the fees that were already paid plus an urgent request that it get a JP to witness those documents. I ask the Minister to explain why that would be so and why they were charged $21 when they were advised of that procedure by Lands Department staff in Gympie?

Mr SMITH: I do not know about the particular circumstances. Because information was recently given in this House that subsequently proved to be inaccurate, I do not feel inclined to comment on a matter about which I do not know the facts. If the honourable member gathers the documentation and writes to me, I will give her a response.

Clause 14, as read, agreed to.

Clause 15, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

ANTI-DISCRIMINATION AMENDMENT BILL

Rescission of Vote on Third Reading; Reconsideration of Schedule

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (4.06 p.m.), by leave, without notice: I move—

> "That so much of the Standing and Sessional Orders be suspended as would prevent the moving of a motion forthwith for:
>
> (a) the rescission of the vote of the House this day for the Third Reading of the Anti-Discrimination Bill 1994, and the rescission being carried by a simple majority of members;
>
> (b) the recommittal of the Bill for the reconsideration of the Schedule."

Mr Lingard: Has this ever been done before?

Mr WELLS: Yes, it has. This is about a typographical error that was very astutely identified by the honourable member for Indooroopilly.

Mr FitzGerald: Everyone knew about it.

Mr WELLS: I note the remark by the honourable member for Lockyer. I wish to pay due credit not only to the honourable member for Indooroopilly but also to whoever advised him. He very astutely noticed a typographical error that had occurred in the Office of Parliamentary Counsel. This is the opportunity that the House has to correct that typographical error.

Mr FitzGerald: Haven't you got rights to fix up typographical errors without coming back to Parliament?

Mr WELLS: The honourable member is referring to the Statutory Reprints Bill. As Parliament is still sitting, it is more open and more transparent to come back to Parliament and draw the fact to the attention of the whole House.

Mr FitzGerald: You wouldn't change "50" to "55", just as a correction.

Mr WELLS: Yes. We will do it now. I am trying to give credit to members opposite. I do not know what the honourable member has against the Liberal Party. I am trying to give one of its glowing members a glowing tribute. We are changing the "50" back to "55" in accordance with the point that the honourable member noticed when he drew it to my attention earlier today. I said that my departmental advice is that that is correct but that I would check it out and get back to the honourable member. We are getting back to him. This is how we are doing it.

Motion agreed to.

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (4.08 p.m.): I move—

> "That the vote of the House on this day for the Third Reading of the Anti-Discrimination Amendment Bill 1994 be rescinded and that the Bill be committed forthwith for the reconsideration of the Schedule."

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.

Schedule—

Mr WELLS (4.09 p.m.): I move—

> "On page 10, line 16, omit the expression '50' and insert the expression '55'."

Mr BEANLAND: This is one of the points that I highlighted this morning. Problems such as this occur when legislation is brought into the Parliament with such rapidity. Of course, by dealing with this legislation so quickly, one does not have time to pick up this sort of thing. I am sure that, had more time been taken in the first instance, this situation would not have occurred. I rise to mention this because I talked at great length about the need to have the time to consult adequately with people about such things. I think that this amendment highlights the sorts of problems that Parliament gets itself into when the Government does not take adequate time to consult and to give the Opposition time to consult.

Government members interjected.

The TEMPORARY CHAIRMAN (Ms Power): Order! Government members will cease interjecting.

Mr BEANLAND: There could be other problems with those amendments also, or problems with other amendments that are moved, as this amendment is moved, about which we are unaware.

Amendment agreed to.

Schedule, as amended, agreed to.

Bill reported, with an amendment.

Third Reading

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

Mr SPEAKER'S RULING

Motion of Dissent

Mr FITZGERALD (Lockyer) (4.12 p.m.) I move—

> "That Mr Speaker's ruling on 16 June 1994 concerning a question raised by the Leader of the Opposition be dissented from."

Mr Speaker, you will recall that you gave a ruling that you would allow questions about budgetary matters to be asked during the time the Appropriation Bill was before the House. From memory, your ruling was that unless we allowed these particular questions to be asked while the Estimates were being considered by the House, the House would be restricted. Mr Speaker, quite wisely, you gave that ruling to allow quite detailed questioning, if I recall, about Budget items, including line items, with regard to the Appropriation Bill.

On 31 May, the Budget was introduced. On 8 June 1994, the Treasury Legislation Amendment Bill was introduced. The Opposition contends that this is a budgetary Bill. It is connected with the Budget. During the debate last night, the Treasurer said that this Bill was connected with the 1993-94 Budget but that it has now come into effect just after this year's Budget. So he contended that it was a budgetary Bill. It is a money Bill—a budgetary Bill—that the Government has every right to introduce. The fact that it was brought in after the Budget would indicate that the Opposition was sound in its reasoning that this was a budgetary Bill.

On 16 June, Mr Borbidge certainly wanted to raise an issue with the Government during question time in regard to what is referred to in *Hansard* as a "Retrospective Tax on State and Local Authorities". In his first question, Mr Borbidge asked the Treasurer—

> ". . . why has he betrayed local government in Queensland by proceeding with retrospective tax legislation to force all State and local government authorities to carry a charge on their borrowings reflecting Queensland Treasury Corporation——"

Mr Speaker said—

> "I will have to rule that out question out of order. The matter is before the House."

Then, obviously gifted with a fair bit of foresight in knowing the strategy of the Opposition for the day, or else his political experience told him what was likely to occur, Mr Speaker on to say—

> "Anticipating debate is dealt with in Standing Orders. I have to rule the question out of order."

The Opposition took objection to that. Mr Speaker, you must understand that the Budget was creating quite a bit of interest in the community, particularly this piece of budgetary legislation. I think that the events that have occurred over the past couple of days have justified the Opposition saying that this was a matter that it thought the Government should be questioned about.

It is rather strange that, at a time when the mayors and a lot of councillors of the cities and shires of Queensland are demonstrating outside the Parliament, we can have all the debate that we like outside the fence but we cannot have it inside the fence. We accept that in Parliament sometimes, but it seems rather strange that when we are debating a Bill that the Opposition contends is a budgetary Bill, it cannot ask questions relating to that matter before the House.

Mr Speaker, you would know as well as I that the Standing Orders themselves do not state specifically—at least not the Standing Orders of this House—that we cannot ask questions about

matters that are before the House. However, Mr Speaker, we know that you rely on Standing Order 333, which states—

> "In all cases not specially provided for by those Standing Rules and Orders, or by Sessional or other Orders, resort shall be had to the Rules, Forms and Usages of the Commons House of the Imperial Parliament of Great Britain and Ireland for the time being, which shall be followed and observed so far as the same can apply to the proceedings of the House."

We are relying on that ancient custom. I do not disagree with that custom. Otherwise, we could have debates in this Chamber at all times about matters that are before the House.

However, Mr Speaker, on this occasion I believe that your ruling was quite correct in the first instance when you said that you would allow questions to be asked with regard to Budget matters. In fact, in a number of debates during that time, references were made to matters that were contained in the Appropriation Bill.

Mr Speaker, in that instance, I do not know whether or not you actually relied on the customs of the House of Commons. It was a ruling from the Chair, and that has always been accepted. I do not know whether the House of Commons would allow that to happen or not. We had a direction from the Chair on that matter. However, when it came to the Treasury Bill that was before the House, which Opposition members contend was part of that Budget statement—and it was definitely Budget-related legislation because the Treasurer said that it was Budget legislation relating to the year before—the Opposition was denied the opportunity to ask those questions. At the time, Opposition members believed that those questions were very important. We knew that the public of Queensland wanted to know exactly how the Government intended to implement that legislation. Mr Speaker, of course, had you allowed that question to be asked, I know that the Government may have been embarrassed, because further questions may have been asked. It may have saved some embarrassment for the Government in the long run, because we know that eventually that legislation was carried by the House. Of course, there were many more questions about it to be answered by the Treasurer and the Premier of this State.

It is a clear-cut ruling. Today, members of this House have to make the decision on whether we support your ruling. In fact, if the House does not support your ruling, I am not exactly sure what we can do about it because the matter has been heard. Mr Speaker, at the time, we in Opposition felt very strongly about it. We believed that you had erred. We felt very strongly that it was to the benefit of the Government that you erred. Although some Opposition members, by way of interjections, may have indicated that they were not very happy with the ruling from the Chair, I moved a motion of dissent from your ruling.

Mr Speaker, with respect for the office that you hold, I believe that you were wrong, and I believe that this House should have an opportunity to say that you were wrong. The Opposition believes that it was a Budget matter, and when you allowed Opposition members to ask questions relating to the Budget, you were correct. However, in this instance, with regard to a Budget-related Bill, you were incorrect.

Dr WATSON (Moggill) (4.20 p.m): I rise to second the motion of dissent from Mr Speaker's ruling moved by the member for Lockyer. Mr Speaker, as you know, I do so with a somewhat heavy heart, because I do not often involve myself with such motions before the House. Also, I recognise the technical nature of your ruling and its long historical precedents.

Like the member for Lockyer and other members, I did look at Erskine May. Although that was a couple of weeks ago, I recall that it referred to a decision of the Speaker of the House of Commons in 1878 that a question should not anticipate debate that is to take place in the House later that day. Of course, there is a good reason for that, and the member for Lockyer has referred to it. We need to confine the issues that are debated in the House to particular times to ensure that all members have the opportunity to participate and to ensure the efficient conduct of the business of the House. There is no doubt that all of us generally support that ruling.

However, this House has moved a fair way since 1878, and in particular in the last few months. As the member for Lockyer has said—and referred to already—over the past couple of years, and in particular in the last couple of months, we have changed the way that we handle the budgetary process in this place. The Budget is presented as a Bill. We now resolve ourselves into Estimates committees to review the items of expenditure. The Speaker—in his wisdom—even though there is a Bill technically before the House, has permitted questions to be asked with respect to the expenditure side of the Budget. But the difficulty is that at the moment there is no opportunity to examine the revenue side during the Estimates committees. The only opportunity to examine the revenue side is in this House in a Budget debate or in question time.

That reflects the essential quandary that this House has got itself into. It is appropriate that the Standing Orders be revised to allow the Speaker to exercise a different ruling in the future, and perhaps the Speaker may also wish to exercise what discretion the House allows even without a change in the Standing Orders. This year, the Budget was introduced on 31 May. Several days later, on 8 June, the Treasurer introduced a Bill related to implementing part of the Budget, but that part of the Budget on the revenue side—namely, a change in the calculation of the performance dividend, or a tax. The Bill was then laid on the table to be debated at some later stage.

The problem is that, if the House considers the Speaker's ruling to be the correct ruling, we could find ourselves in an invidious situation. For example, often a Bill is introduced in this place—and a Budget measure is taken—which may not take effect until 1 January the following year. For example, this year the Budget was introduced on 31 May. On 8 June, a Bill was introduced relative to revenue side of the Budget. A similar Bill in the future could lie on the table for months, perhaps right up until the final day of sitting of that year.

There may be no problem with that if it is not urgent for the Government to pass that legislation. But the problem, given this ruling, is that members would be excluded from an examination of that Bill for the whole of the period that that Bill lies on the table. So we might end up with the ridiculous situation of a Bill remaining on the table until December when it is passed, with the Opposition never being able to raise a question in this place.

Mr FitzGerald: And that's not hypothetical.

Dr WATSON: It may be a hypothetical situation, but it is possible. As you know, Mr Speaker, Governments have been known to act in an opportunistic fashion.

Mr T. B. Sullivan: You have been talking to Mr Lingard again.

Dr WATSON: We have seen Governments in this place in the last few hours operating in an opportunistic fashion.

Mr Davidson: In the last few minutes.

Dr WATSON: That is exactly right. The Attorney-General came in here and acted in an opportunistic fashion, though in a slightly different way than he has in the past. Certainly, this occurs.

My problem with the ruling is that, while I understand the historical precedents and while I fully appreciate the rationale for the application of that rule in the general case, the way we have changed the budgetary process in this place makes the application of the ruling no longer relevant. I would suggest that a different way of looking at this rule ought to be applied.

The appropriate manner now to apply this rule, which, as I said, was established as early as 1878 in the House of Commons, is to apply it to all Bills which do not have their genesis in a Budget measure. But those Bills which have their genesis in a Budget measure, whether it be on the expenditure or the revenue side of the Budget, should be exempted from that rule. I would think that the application of that rule in that fashion would be the appropriate thing to do. Unfortunately, the only way that we can actually do that—and forcefully—is to dissent from the Speaker's original ruling.

Mr CAMPBELL (Bundaberg) (4.28 p.m.): The honourable member for Lockyer and the member for Moggill have taken us down the corridors of centuries in relating what has happened in the House of Commons, based on May. But there are also precedents within this House. It is not necessary to make this an antiquated debate. Similar rulings have been made within the Parliament of Queensland. So we do not have to go back to Standing Order 333 and to the House of Commons; we can go back to what has happened in this House and to the important basis of what debate about Standing Orders is here—that is, the precedents of previous rulings of Speakers. That is the key to the situation.

I reject the assertion by the member for Lockyer that the question was not allowed and that the Speaker did not allow it so as not to cause embarrassment for the Government. That was not the basis for it and that assertion is wrong. Members of the Opposition knew— and the member for Moggill raised a red herring in his contribution by saying that this refers to something that could be put off for months so that the Government could gag debate—that that legislation had to be, and was going to be, debated the same day. That assertion by the member is incorrect. His comment that we could use this to gag debate for months was a furphy. The member knew that the legislation had to go through within the two remaining sittings days of this financial year. The member has used the wrong premise.

I will now cite the two rulings made in this House that show that the Speaker has been consistent in his ruling and with what has been done over the passage of time by Speakers in this House. For example, on 3 August 1944, the Speaker, the Honourable S. J. Brassington, stated—

> "A question was asked yesterday by the hon. member for Bundaberg relating to the quantity of petrol used in ministerial cars. This question does not appear on the business-sheet, as similar information has been asked for by the hon. member for Stanley in a motion standing in his name."

He would not even allow a question to be asked because there was a motion on the business-sheet regarding the same matter.

The other ruling to which I refer was given on 21 October 1971. On that occasion, Mr Speaker said—

> "Order! The honourable member is not in order in bringing up a question dealing with legislation that is still before Parliament."

That is clear, unambiguous, and clearly the same ruling as that given by Speaker Fouras here in this House.

But what is the concern about these motions? In question time, the Speaker has shown tolerance, compromise and common sense again and again. But the childish behaviour over time is something that I believe would cause even the patience of the Speaker to run out. We have been harassed in question time to the extent that I have seen the Leader of the Opposition stand up 15 times to question the Speaker. To me, the Speaker has shown tolerance. That indicates the really childish attitude that has been shown by the other side. We can come into this Chamber and debate these motions of dissent, but I believe that if members opposite really want to be regarded with any credibility they should look at the previous rulings that have been given by the Speaker and they will see that in this case the ruling has been consistent and in line with those made previously. In this case, the Opposition has erred in using false arguments. In addition to that, the Opposition tried to trivialise the debate by going back and saying that it all comes from Erskine May and the House of Commons. But we have here clear precedents set by previous Speakers that Speaker Fouras was correct in his ruling concerning the question of the day.

Mr LINGARD (Beaudesert—Deputy Leader of the Opposition) (4.32 p.m.): I have pleasure joining in the debate because it really does involve a very important matter of principle about the privilege of members of Parliament and the procedures of the House. One of the very first relevant decisions on this subject, and to which the member for Bundaberg referred, appears on page 1 575 of *Parliamentary Reports* when Speaker Taylor, in the 1920s, stated why he had ruled out of order a question placed on notice. He stated—

> "Questions relating to Orders of the Day are decidedly out of order."

He referred to page 242 of Erskine May and quoted that as follows—

> "Discussion in anticipation upon an Order of the Day or other matter, by means of a question, is not permitted."

He said—

> "I think that is a very wise provision in respect of questions which are actually connected with the Orders of the Day."

Clearly, Mr Speaker's decision relates very closely to that decision.

Mr Campbell: Read the rest of that decision.

Mr LINGARD: Mr Speaker's decision also relates to a policy called the rule of anticipation, and this is not often referred to in our discussions, but it is referred to on page 327 of Erskine May, which states—

> "A motion must not anticipate a matter already appointed for consideration by the House, whether it be a bill or an adjourned debate on a motion.
>
> . . .
>
> Stated generally, the rule against anticipation . . . is that a matter must not be anticipated if it is contained in a more effective form of proceeding . . . but it may be anticipated if it is contained in an equally or less effective form."

So clearly, a Bill or other order of the day is more effective than a motion and a motion is more effective than a question. I do not know why the member for Bundaberg was yelling out because I am clearly saying exactly the same things as he said.

So Speaker Taylor's ruling and the rule of anticipation show why some Speakers blandly rule any questions relating to any matters on the orders of the day as out of order. But that attitude can lead to massive difficulties and problems. I will refer to some of them. For instance, any question on the notice paper can prevent further questions for a period of 24 hours. A member could, if he wanted to, place a question on the notice paper for answer in two weeks' time and stop further discussion for that period. Clearly also, any notices of motion which sit on the paper for the whole period of the session, and which are far and wide reaching, could stop any discussion on that particular topic. Bills such as the one on our notice paper today, which was there in November 1992, could effectively, if the Speaker blandly refers to it, as Speaker Taylor did—and the member for Bundaberg wishes to relate to this in regard to the rule of

anticipation—stop any further discussion on that matter. Similarly also with any reference to committees investigating a topic, and similarly with any sub judice rules. It is exactly the same.

Clearly, that is why we have the policy of the discretionary powers of the Speaker. The discretionary powers of the Speaker are clearly referred to in Erskine May and clearly referred to in Standing Orders. Erskine May makes some reference to discretionary powers on pages 377 and 403, so at all times the Speaker has discretionary powers. So if, as the Standing Orders state, a member can move that the question be put, under our Standing Orders the Speaker has the discretion to determine whether he believes there has been enough debate for everyone to form an opinion. But that is not stated in our Standing Orders. However, he has the discretionary power.

Similarly, page 320 of Erskine May states—

> "In determining whether a discussion is out of order on the ground of anticipation, the probability of the matter anticipated being discussed within a reasonable time must be considered."

If the Speaker, using his discretionary powers, says, "I have no doubt that notice of motion will never be brought forward by the Government, I will therefore allow that question", he is using his discretionary powers.

If a notice of motion appears in our orders of the day and a question relating to that notice is raised, the Speaker can disregard Speaker Taylor's ruling, and the rule of anticipation, and rule that the question is allowed because there is little chance of the motion being moved. Similarly in this House, the Speaker made a discretionary ruling that questions on the Budget be allowed otherwise there would be few questions at all. This ruling was sensible because of our new Estimates committees process, which delayed the actual passing of the Budget. This was not the system that operated previously under which the Budget was passed very quickly.

Similarly, for the first time, we had a Budget-type Bill raised during the period of the Budget Estimates process and the passing of the Budget. So this decision by the Speaker against which we have moved a motion of dissent saw wide and open discussion about all aspects of the Budget; it saw wide and open discussion of the Budget items through the media, with it being thoroughly discussed in all of the papers; it saw wide and open debate on the streets and in fact demonstrations outside Parliament House; but it also saw an Opposition in the Parliament unable to ask about a new tax or a new performance dividend about to be imposed upon the people of Queensland. Clearly, that is a very special situation which allows—and we would hope, requires—the Speaker to make a discretionary decision.

However, the ruling was not made on discretionary grounds or based on the true and open philosophy of the impartiality of the Speaker. This morning, when the Leader of the House, Mr Mackenroth, stopped speaking and indicated that he wanted the Speaker to stop interjections from the Opposition, we saw what happened.

In the case that led to this dissent motion, when the Leader of the Opposition asked a question, the Premier called out to the Speaker that this was out of order because of legislation on the business paper. The Speaker immediately ruled that that was the case. This does not reflect the true discretionary powers of the House or of the Speaker. This does not reflect true impartiality by the Chair. Clearly, the Opposition supports this motion of dissent.

Mr BEATTIE (Brisbane Central) (4.39 p.m.): I rise this afternoon to oppose the dissent motion. In doing so, I make reference to the fact that this is the third dissent motion moved by the Opposition in the past two weeks. I want to deal with why we have this frequency of dissent motions.

Before I get to the substance of what I want to say, let me deal with some contributions that were made by the honourable member for Beaudesert. He very selectively quoted a ruling made by Speaker Taylor on 13 November 1929. It is unfortunate that the honourable member did not read the relevant part of that ruling, because I have a copy of it here. He did not read this part of the ruling, which states—

"The Industries Assistance Bill"—

which is what the issue was about—

> "appears on the business paper as an Order of the Day for to-day, and that is the reason why the hon. member's question does not appear on the business sheet."

That is exactly what the Speaker did in this case. His ruling is consistent with that of Speaker Taylor. Let us look at what happened in this case. On 16 June, the Leader of the Opposition asked a question on the Treasury Legislation Amendment Bill. I do not want to go through the question, because the honourable member for Lockyer has already read it to the House. There is no argument that there was a relevant Bill before the House and that a question was asked by the Leader of the Opposition on that relevant Bill. That has been accepted by everyone. Let us get to the core issue as to whether that is acceptable under the Standing Orders and principles that apply to this Parliament. We have

common ground on the facts; let us move on to the principles.

There is a rule of practice called the rule of anticipation. The relevant Standing Order—because there is no other Standing Order—has been correctly identified by the member for Lockyer. It is Standing Order 333, which in essence says that if there is no Standing Order, we then go to the House of Commons and look for the relevant practice that applies. Let us look at what the House of Commons practice is because, according to Standing Order 333, that will apply here. The relevant rule of practice is found in the twenty-first edition of Erskine May at pages 327 and 328. It states generally that the rule against anticipation, which applies to other proceedings as well as motions, is that a matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated, but it may be anticipated if it is contained in an equally or less effective form. In other words, a Bill or other Order of the Day is more effective than a motion or a question; a substantive motion is more effective than a motion for the adjournment of the House or an amendment. In other words, what the Speaker did was very consistent with the rule of anticipation that applies in the House of Commons. By his question, the Leader of the Opposition sought to infringe that rule of anticipation.

The practice also in the Australian House of Representatives is that questions cannot anticipate discussion upon an Order of the Day. The practice in the Federal Parliament is parallel to Mr Speaker's ruling. This rule must not be confused in any way—and I will cover this for completeness—with our Standing Order 67A, which allows questions to be put to Ministers relating to proceedings pending in the Legislative Assembly; for example, "When will the Local Government Bill be debated in the House?" Questions seeking to elicit information about proceedings pending in the House are permissible only if they do not anticipate the discussion itself or invite a Minister to do so. That is the crucial part. That covers the comments by members of the Opposition. I will read it again. Questions seeking to elicit information about proceedings pending in the House are permissible only if they do not anticipate the discussion itself or invite a Minister to do so. The question from the Leader of the Opposition breached that principle, and Mr Speaker had no alternative but to make the ruling that he did. The cardinal rule is to avoid the anticipation of discussion of Orders of the Day. I cannot see how in any way, shape or form the interpretation put forward by me can be argued with by the Opposition. Mr Speaker was consistent with the practice of the House of Commons which, by Standing Order 333, is incorporated here.

I want to quote part of what Mr Speaker said on that day. He stated—

> "I find it offensive that members are trying to suggest that I am being partial in this situation. I find it extremely offensive. Anticipating such a question, I sought the advice of the Clerk this morning."

By the Opposition moving a dissent motion against the ruling of Mr Speaker, it is arguing with the advice of the Clerk of the Parliament and not just with the Speaker.

Mr T. B. Sullivan: Shame!

Mr BEATTIE: Indeed it is. Members opposite are not just arguing with Mr Speaker; they are also impinging on the impartiality of the Clerk of this Parliament.

Frankly, members opposite have missed the boat in moving these dissent motions. They continue to do so because they do not get their own way. That is what it is about. It has nothing to do with the Standing Orders; it has nothing to do with the principles that apply in this House.

Mr T. B. Sullivan: So it is a big parliamentary tantrum they are throwing.

Mr BEATTIE: That is exactly what it is. For the benefit of the House, I will table the relevant pages of Erskine May, and I urge Opposition members to read them in order to gain some understanding of the procedures of this place.

Having dealt with the technical points, which confirm that Mr Speaker's ruling was correct——

An Opposition member interjected.

Mr BEATTIE: If members opposite want to argue about the Standing Orders and claim that they are wrong, it is not appropriate to do so through a dissent motion. They should be taking them up with the Standing Orders Committee. Have members opposite done that? No! Any relevant arguments they have about the existing Standing Orders and principles should be taken up with the Standing Orders Committee and should not be the basis of continual dissent motions. Members opposite have not done so, and that in itself is a clear indication of how serious they are about changing the Standing Orders. They are not serious about that at all!

There is no doubt in my mind that the action by the Opposition over the past few weeks is deliberately designed, for political reasons, to give the impression that this Parliament is not operating as effectively as it could be. Members may have witnessed the performance last week of the honourable member for Callide, who left this House and then went before the people of

Queensland on television with a sheepish, stupid, petulant grin over her behaviour in here and what she had said about the Speaker. If any member believes that that raises the standard of this place and the respect that this House has in the community, they are kidding themselves. Such a performance serves only to denigrate this House in the community.

Mr Purcell: Disgusting!

Mr BEATTIE: It was disgusting. If we are concerned—as I hope all members are—about raising the standards of this House and raising the respect that politicians and this place have in the community, we should start to behave accordingly. We cannot expect any Speaker—whether it is this Speaker or anyone else—to perform their task to the satisfaction of everybody if one side of the House is seeking to continually denigrate the role of the Speaker. Frankly, the Opposition must realise that it has a responsibility to assist the Speaker in his role as much as the Government does.

In a court, the two solicitors appearing before a judge represent different clients, but they have a responsibility to the judge as well as to the whole court, as the Opposition does in this House. It has a responsibility to assist the Speaker. The honourable member for Beaudesert is a former Speaker of this House, but he never seeks to assist the Speaker. All he ever does is harp away like a petulant child. Frankly, if members opposite want to continue to denigrate the Speaker and this House in the community, they will wear the consequences in the electorate, not the Government. I hoped that members opposite would display a little more maturity.

Let us look at what the community is saying about this issue. The *Courier-Mail* had this to say—

> ". . . Parliament is a debating place, not a bear pit. No one would benefit from a wholly sanitised parliamentary process . . . but everyone would benefit from a mutual, collective decision to lift behaviour past the schoolyard level."

As to the Speaker, the *Courier-Mail* said—

> "Mr Fouras . . . has brought wit, generally speaking an even-handedness and a fine grasp of procedure to the job . . ."

On radio, Paul Reynolds pointed out the impartiality of the Speaker. This Speaker has an impressive record in the community. The people who do not have an impressive record are the members of the Opposition, who continually seek to denigrate this place. If they continue to do so, they will not win any respect. The first thing members opposite should do is conduct an in-house class to learn the Standing Orders. Paul Reynolds stated—

> "I think it is always easy to kick the referee if you are not getting the ball your way."

That is what occurred in this instance.

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

AYES, 25—Beanland, Borbidge, Connor, Cooper, Davidson, FitzGerald, Gamin, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, Malone, Mitchell, Rowell, Santoro, Slack, Stephan, Veivers, Watson *Tellers:* Laming, Simpson

NOES, 43—Ardill, Barton, Beattie, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Clark, Comben, D'Arcy, Davies, Dollin, Edmond, Elder, Fenlon, Foley, Hamill, Hayward, Hollis, Mackenroth, McGrady, Milliner, Nuttall, 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**.

SPECIAL ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (4.56 p.m.): I move—

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

Motion agreed to.

The House adjourned at 4.57 p.m.

V.R. Ward,Government Printer, Queensland