WEDNESDAY, 23 NOVEMBER 1994

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

PETITIONS

The Clerk announced the receipt of the following petitions—

Amalgamation of Albert Shire and Gold Coast City

From **Mr Borbidge** (4 740 signatories) praying that a referendum of ratepayers be conducted in areas affected by the proposed amalgamation of Albert and Gold Coast Shires and that results of this referendum be binding on government and that the referendum wording include a no-opinion vote.

Green Island

From **Mr Burns** (749 signatories) praying that Green Island and surrounding reefs be protected from coral mining.

Old Northern Road

From **Mr Johnson** (388 signatories) praying that the section of road in Albany Creek between Wruck Crescent and the Jinker Track be a first priority for the $3m allocated to upgrade/duplicate Old Northern Road.

Recreational Fishing

From **Mr Livingstone** (13 signatories) praying that recreational fishing be exempted from provisions of the Nature Conservation Act.

Eacham Shire Council

From **Mr Pitt** (4 signatories) praying that the Parliament of Queensland will take action against the mayor and council of Eacham Shire to cease the planned sewerage scheme in Yungaburra; provide clean and regular supplies of water to the township; and instruct independent and acceptable persons to investigate the high level of rates.

Government Land, Albany Creek

From **Mr Slack** (180 signatories) praying that the Parliament of Queensland will take action to preserve bushland and wildlife on Government owned land between Albany Creek and Keong Road, Albany Creek; implement an environmental protection strategy for this area; and include this land in the Government's commitment to keep 40 per cent of south-east Queensland as open space.

Land, Gold Coast; Griffith University

From **Mr Veivers** (822 signatories) praying that the Parliament of Queensland will donate to the people of the Gold Coast 24 hectares of land adjacent to the campus of the Gold Coast College of Griffith University.

Native Title (Queensland) Amendment Bill

From **Ms Warner** (308 signatories) praying that the Parliament of Queensland will allow the Native Title (Queensland) Amendment Bill to stand in Parliament for a three-month period and that particular attention be given to the views of the Aboriginal and Torres Strait Islander people whose rights and interests are affected by this Bill.

Petitions received.

PAPERS

The following papers were laid on the table—

(a) Treasurer (Mr De Lacy)—

Government Schemes—Annual Report to Queensland Treasury 1993-94

Q Invest Limited—Annual Report, Financial Statements and Report to Members—25 February to 30 June 1994

Registrar of Commercial Acts—Annual Report 1993-94

The Treasurer’s Tax Equivalents Manual

(b) Minister for Primary Industries (Mr Casey)—

Mackay Sugar Co-operative Association Limited—Annual Report for 1993-94

(c) Minister for Police and Minister for Corrective Services (Mr Braddy)—

Police Superannuation Board—Annual Report for 1993-94

(d) Minister for Education (Mr Comben)—

Government response to the Report of the Parliamentary Committee of Public Works into the development of Mountain Creek State High School

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

Reports of the Local Government Commissioner in relation to reviewable local government matters and electoral arrangements—

(a) City of Gold Coast, Shire of Albert and Shire of Beaudesert

(b) City of Cairns, Shire of Mulgrave and contiguous local government areas

(c) City of Ipswich, Shire of Moreton and contiguous local government areas

(f) Minister for Family Services and Aboriginal and Islander Affairs (Ms Warner)—

Project on Abuse of Older People in Queensland—Report

(g) Minister for Administrative Services (Mr Milliner)—

Government responses to the following reports of Parliamentary Committee of Public Works—

Development of Mountain Creek High School

Nambour Hospital—Block 6 and associated matters

Mr CASEY laid the following papers on the table—

(a) A Proposal by the Governor in Council to revoke the setting apart and declaration as State Forest under the Forestry Act 1959 of—

(i) all that part of State Forest 274 described as Area A and shown hachured on plan FTY 1680 prepared under the authority of the Primary Industries Corporation and containing an area of about 2 289 hectares;

(ii) all those parts of State Forest 788 described as Areas A and B and shown hachured on plan FTY 1682 prepared under the authority of the Primary Industries Corporation and containing an area of about 290 hectares;

(iii) all that part of State Forest 792 described as Area A and shown hachured on plan FTY 1681 prepared under the authority of the Primary Industries Corporation and containing an area of about 2 308 hectares;

(iv) the whole of State Forest 9 containing an area of about 1 740 hectares;

(v) all that part of State Forest 289 described as Area A and shown hachured on plan FTY 1640 prepared under the authority of the Primary Industries Corporation and containing an area of about 1 485 hectares;

(vi) all those parts of State Forest 88 described as lots 8 and 9 on plan WT384 and within stations P’-O’-G’-P’ on plan WT391 and containing in total an area of 21.1136 hectares;

(vii) all those parts of State Forest 502 described as Area A and shown hachured on plan FTY 1685 prepared under the authority of the Primary Industries Corporation and as road to be opened on plan RA5102 prepared by the Department of Lands and containing in total an area of about 1.7075 hectares; and

(b) A brief explanation of the Proposal.

MINISTERIAL STATEMENT

Queensland's Financial Management Strategy—Improving Financial Management in the Leading State

Hon. K. E. De LACY (Cairns—Treasurer) (2.38 p.m.), by leave: Since the Goss Government came to office, significant progress has been made in financial management reform of the Queensland Public Sector. Initiatives have included—

issuing the Public Finance Standards, including the adoption of program management;

the implementation of corporatisation, including the performance monitoring of Government-owned enterprises; and

reforms to external and internal audit in the public sector following EARC's report on public sector auditing.

These efficiency-based reforms, together with the fiscal discipline of the Government's financial management trilogy, have served Queensland very well. Queensland's attainment of a net-debt free financial position, while at the same time providing large increases in social outlays and record capital works outlays as well as widening our tax advantage over other States, is concrete evidence of this success.

But we cannot rest on our laurels. With a dynamic economy and a rapidly growing population, we must harness——

Mr SPEAKER: Order! There is too much conversation in the Chamber.

Mr De LACY: We must harness our current financial strength to meet the future service and infrastructure needs of Queensland. To capitalise on our success, the Goss Government has set out a five-year plan for

financial management reform in a document titled *Queensland's Financial Management Strategy—Improving Financial Management in the Leading State*, which was circulated to all honourable members, throughout the public sector and to interested members of the community. The strategy has been widely endorsed within the public sector as well as the business and professional community, including the Australian Society of CPAs and the Institute of Chartered Accountants.

In implementing the strategy we need to entrench among all public sector workers a culture of continuous improvement, from chief executives to employees serving over the counter. Departmental managers recognise that the strategy, in conjunction with enterprise bargaining, represents a catalyst for change and improvement. Implementation is being led by a steering committee of chief executives representing both social and economic portfolios as well as key central agencies of the Government.

The financial management strategy is not a glossy brochure designed to sit on shelves and collect dust. In the few months since it was released, work has been progressed on a variety of fronts, including the groundwork for smooth coordination of the strategy across all departments. The following milestones have already been achieved—

An enterprise bargaining agreement was ratified by the Queensland Industrial Relations Commission on 4 October 1994 for the 18 core Government departments. This agreement will lead to widespread productivity gains and further reinforce the Government's commitment to world best practice.

Nine departments have now commenced implementation of accrual accounting for the 1994-95 financial year. This complex and far-reaching reform is a necessary support for many of the other initiatives in the strategy.

Draft standards on asset management have been developed. These will provide assistance to departmental managers in ensuring that the considerable assets of the Government make the maximum contribution to meeting service delivery objectives.

A draft policy paper on the adoption of client service standards has been prepared and circulated for discussion. This is a key strategy for ensuring that customer service is a prime focus for agencies.

A contract for the supply of decision support software to users of the Queensland Government Financial Management System has been finalised. This software will facilitate an improved level of management reporting within departments.

The importance of an adequate internal audit function within agencies has been emphasised through the inclusion of a new internal audit charter in the Public Finance Standards. A survey of departmental management and systems has been completed, with the results providing the basis for development early next year of financial management strategy plans for each agency.

The latest milestone is the approval by Cabinet of a Policy Framework for Commercialisation of Government Service Functions in Queensland. This document sets out the ground rules for the operation of commercial business units within departments. In short, it shows how the State Government is introducing competition into the provision of services currently provided by the Government to itself. Agencies will be requested to identify in their implementation plan areas where it should be possible to achieve better value for money in the delivery of services. This would include, in particular, internal services such as cleaning, vehicle fleet management, construction services, security, warehousing, printing and publishing, legal services and financial services. For the information of all honourable members, I table this document today.

The Financial Management Strategy is a significant milestone in the evolution of the way the Government does business. Our aim is to create a public sector which is more outward looking, which is committed to continuous improvement and which is not afraid to compete. As this strategy bears fruit, we will pass the very real benefits to the private sector and the community at large in the form of better services and lower taxes.

MINISTERIAL STATEMENT

Justices of the Peace

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (2.43 p.m.), by leave: One of the achievements of the Goss Government has been a major overhaul of the time-honoured position of justice of the peace, which dates back to at least the time of King Edward III.

Mr Hamill: A mighty monarch.

Mr FOLEY: As the Honourable the Minister for Transport commented, he was a mighty monarch.

Under the Justices of the Peace and Commissioners for Declarations Act 1991, JPs (Qualified) now have to pass a competency assessment test. My colleague the Attorney-General has a goal of seeing around 12 000 people trained in the courses of Commissioners for Declarations and Justices of the Peace (Qualified) by the end of 1996.

Despite the fact that JPs have powers affecting the liberties of Queenslanders, until the commencement of the JP reform process in 1991 no steps were taken to ensure they were skilled in the proper exercise of these quasi-judicial powers. I am able to advise the House today that, to assist in achieving the Attorney-General's goal, 5 875 publicly funded training places will be made available in 1995 and 1996 in TAFE colleges, and/or possibly in some areas with private training providers. Fees for the courses will now be a maximum of around $20, with some remote area courses run free. This compares with the previous arrangement, where courses were being run on a commercial or fee-for-service basis. The result was that would-be JPs faced fees of up to $250 per student.

The inclusion of JP training into the publicly funded system will make training more accessible and support the Goss Government's efforts in building a band of lay judicial officers who are appropriately skilled to face the twenty-first century. However, I should emphasise that training will remain non-compulsory. Those who, because of their skills or knowledge base, feel no need to undertake a JP (Qual) training course will naturally remain eligible to sit the exams.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr SPRINGBORG (Warwick) (2.45 p.m.): I seek leave to move notice of motion No. 18 standing in my name.

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

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

NOES, 50—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Casey, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Power, Purcell, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Warner, Welford, Wells, Woodgate *Tellers:* Livingstone, Pitt

Resolved in the **negative**.

COMMITTEE OF SUBORDINATE LEGISLATION

Reports

Mr J. H. SULLIVAN (Caboolture) (2.51 p.m.): I lay upon the table of the House the twenty-fourth report of the Committee of Subordinate Legislation, its annual report for the period ended 1 October 1994, and move that the report be printed.

Ordered to be printed.

Mr J. H. SULLIVAN: The committee is mindful that this is likely to be its last annual report as we move towards the implementation of the proposed new committee system. This report deals with a number of issues of importance for subordinate legislation from the point of view of the current committee and the future Scrutiny of Legislation Committee. Consequently, we have taken this opportunity to make a number of recommendations in relation to matters which the committee considers to be of great significance in relation to its present and future roles. We are hopeful that these recommendations will be received favourably and implemented prior to the establishment of the new committee system.

I thank the members of the committee for the commitment that they have brought to their committee work during the year. Finally, I wish to express my appreciation for the assistance of the committee staff: the secretary, Madeline Cook; Megan Collins, who is acting as secretary while Ms Cook is on maternity leave; the research director, Helen Grant; the legal consultant, Luisa Pink; and the former legal consultant, Dr Don Gifford. Without their efforts it would have been impossible for the committee to function effectively.

I lay upon the table a further report of the Committee of Subordinate Legislation which details the committee's conclusion following scrutiny of the Queensland Law Society (Approval of Indemnity Amendment Rule (No. 1)) regulation of 1994, and move that it be printed.

Ordered to be printed.

Mr J. H. SULLIVAN: The committee scrutinised the subject instrument and consulted with the relevant department and related organisations but was still not entirely satisfied with certain aspects of the regulation. At the

same time, however, the committee was of the view that the motion for disallowance was not justified by these objections. A resolution was therefore passed to report the committee's concern to Parliament, and that is done in this document.

The committee also resolved to state its objections with respect to the 1994 amendment to the indemnity rules to the organisation charged with oversight of the impending review of the legal profession in Queensland so that these difficulties may be avoided in the new legislative scheme. I commend this report to the House.

QUESTIONS WITHOUT NOTICE

Port Hinchinbrook Development

Mr BORBIDGE: I refer the Premier to comments by Cardwell Shire Mayor Tip Byrne, who has said that he will not attend talks with Federal Environment Minister Faulkner tomorrow unless this Government is involved, and to his particular claim that—

> "The State Government have been the perpetrators in all this so I don't see much use in meeting unless they are all involved."

I ask the Premier: when will he stop the irrelevant political bickering and name-calling with Canberra and meet personally with Senator Faulkner, the developer and other interested parties, including environmentalists, in order to resolve this dispute?

Mr W. K. GOSS: The situation in relation to the Port Hinchinbrook development is simply and unfortunately this: the Federal Minister, who has extensive powers under the World Heritage Properties Act, has invoked those powers and is as a consequence effectively in control of the site. He does seek to claim that he has not actually stopped work, but I think if one has a look at the proclamation and regulation, it is quite clear that he has the absolute and final say as to what work impacts adversely on the World Heritage areas and what work does not, and therefore has control over what can occur.

The point that needs to be made following on from that—which I think the Leader of the Opposition is well aware of but he is more interested in trying to stir up trouble than in reaching a solution—is that I have had two personal conversations with Senator Faulkner already, and he has made it crystal clear in those conversations and in his public statements that he is not going to consider this matter further until such time as there has been a site inspection by officers representing the Commonwealth—which occurred on Tuesday—and, following that, a workshop. I am not too impressed with this idea of the workshop, but Senator Faulkner insists that that is what must occur next, and we have agreed to his request to send two experts to that workshop, which is to be held on Friday. After that, Senator Faulkner will make a decision as to where it goes from there. We have made it plain that we are making submissions personally and directly at the political level and at the bureaucratic level in Canberra, and I have spoken to him twice personally.

The situation that has further developed today—which the Leader of the Opposition criticised—is that I placed a full-page open letter in the press to try to maximise the attention of the Federal Government. As I think I said yesterday, the problem——

Mr Connor: How much did it cost?

Mr W. K. GOSS: What did the member say? Come on, speak up!

Opposition members interjected.

Mr W. K. GOSS: I am trying to listen to the member for Nerang. Members opposite are very loud with their interjections when they are in a pack, but when one singles them out they run for cover. What needs to happen——

Mr Veivers: All right—who paid for the ad?

Mr W. K. GOSS: The people of Queensland. Let me say that that is a hell of a lot cheaper than the solution suggested by the Leader of the Opposition. What did he suggest?

Mr Littleproud interjected.

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

Mr W. K. GOSS: The Leader of the Opposition stated in the weekend edition of the *Gold Coast Bulletin* that we should go to the High Court. Instead of $30,000-odd, he wants to spend a million dollars on lawyers and get a result in a year's time. What a joke! The Leader of the Opposition criticises us for spending $30,000-odd—or whatever it cost—on an advertisement that has put real pressure on the Federal Government and focuses attention on the issues in defence of this State, and he wants to spends a million dollars on lawyers to go to the High Court. We cannot wait that long.

The situation is this: if the Leader of the Opposition had taken the time to read the QTTC annual report in relation to the tourism industry in this State tabled yesterday, he would know why we placed that advertisement. What we are talking about here is a $5 billion to $6 billion industry—not Port Hinchinbrook; a $5 billion to $6 billion industry, an industry——

Mr Borbidge interjected.

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

Mr W. K. GOSS:—that employs about 140 000 people, an industry that has grown in leaps and bounds under this Government and under the stewardship of Mr Gibbs and an industry that will be the biggest Queensland industry by the year 2000. What we are doing is maximising the pressure on the Federal Government and other economic development Ministers in the Federal Government to pay attention to the fact that they had been involved in a consultation process that went for 10 months before they gave the green light to this particular project and that all of the environmental conditions that they asked for were included in the deed of agreement, which is a comprehensive environment protection plan.

I make no apology whatsoever for defending one of our biggest and fastest-growing industries. When it comes to Queensland's reputation—that is what this is about, defending Queensland's reputation as having the No. 1 tourist industry in the country—I will defend Queensland's well-deserved reputation for placing a high priority on environment protection. We are not going to allow a Federal Government Minister to do damage to Queensland's reputation in respect of our tourism industry and in respect of environment protection. We are going to stand up and fight for Queensland. If Opposition members want to knock that, if they want to make that job harder, then they deserve to be condemned.

Opposition members interjected.

Mr SPEAKER: Order! I have warned the member for Southport under Standing Order 123A. I now ask him to leave the Chamber.

Mr Veivers: I wasn't saying anything.

Mr SPEAKER: Order! The member was. I ask him to leave. If the member does not leave, I will warn him under Standing Order 124.

Whereupon the honourable member for Southport withdrew from the Chamber.

Port Hinchinbrook Development

Mr BORBIDGE: In view of the comments that the Premier has just made, I ask the Premier: what was the cost of the advertisements that he has placed today, in what newspapers have they been placed, and at what stage and how recently has he raised this very serious threat to Queensland's economic development with the Prime Minister?

Mr W. K. GOSS: I understand the advertisements were placed in the *Cairns Post*, *Townsville Bulletin*, *Courier-Mail* and the *Australian*, and the total cost is just what the Leader of the Opposition has been telling people—$30,000-odd. I think it is at the low end of $30,000-odd.

I have done three things myself when it comes to the Federal Government. I will come back to those three things in a minute. However, in addition to those, we are having comprehensive discussions with the Federal Government at the bureaucratic level to try to resolve this.

Mr Borbidge: Leaving it to the bureaucrats.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A. That is the member's last warning. My tolerance is coming to an end.

Mr W. K. GOSS: Yap, yap, yap. We are dealing with it comprehensively at the bureaucratic level. In addition to that, as I said, I have done three things: firstly, I have spoken to Senator Faulkner twice and made it very plain to him the damage he has done to Queensland's reputation; secondly, I have personally written letters and submissions to every member of the Federal Cabinet; and thirdly, I spoke to the Prime Minister today. The members opposite should not yap.

Opposition members interjected.

Mr W. K. GOSS: We have already done it. As I said before, the proclamation has been issued by the Governor-General. That will not be reviewed until such time as this expert workshop has been convened on Friday. I am not happy with that, but that is the situation in which Queensland is placed at the present time. It is about time the Opposition was a bit constructive instead of helping to tear down Queensland's reputation.

Enterprise Bargaining, Queensland Police Service

Mr PITT: I ask the Minister for Police and Minister for Corrective Services: can he advise the House on the progress of enterprise bargaining talks involving the Queensland Police Service and relevant unions and what benefits can be expected for the people of Queensland?

Mr BRADDY: I can inform the House that there have been very important breakthroughs in relation to enterprise bargaining. In fact, all the unions—the Police Union, the SPSFQ and the Commissioned Officers Union executives—have agreed with the Queensland Police Service in relation to the enterprise bargaining agreement.

As to these agreements—the matters now have to be taken out to the members for voting by secret ballot. It is anticipated that a result will be received by Christmas eve. As to annualisation of penalty rates—if it is endorsed by the members, as we believe it will be, this agreement will result in one of the great reforms of policing in Queensland. That will be of enormous benefit to the Queensland people and of great benefit to Queensland police themselves.

The agreement has been reached so that, on payment of a 19 per cent allowance in lieu of penalty payments, the Queensland police officers who are subject to shift work—and we are talking about some 4 500 police officers—will be available basically any eight hours out of 24, any five days out of seven. This will mean that we will be able to roster significantly more police on the Thursday night to Monday morning rosters, when most of the villainy and the crime is committed.

Mr Cooper interjected.

Mr BRADDY: I hear the interjection from the member for Crows Nest. The Opposition does not like it. We know what they delivered to us when we came to Government—an inefficient, underpaid, understaffed Police Service which was riddled with corruption at the top. We have dealt with all of those problems one by one.

Mr Cooper interjected.

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

Mr BRADDY: We have now come to the latest and one of the most important efficiencies of all, the opportunity, through the annualisation of allowances in lieu of penalties, to roster all the police officers we need at night times and weekends, when they are needed. Do you hear them supporting us, Mr Speaker? What do you hear—rejection again, because they know they have lost. The gloom and doom merchants are sitting opposite. As I said, they delivered to us a Police Service that had far too many corrupt officers at the senior levels, including the commissioner. Under the National Party Government the Police Service was inefficient and was riddled with verballing and bashing. We have changed all of that and now we have the police where we need them. That is a great reform, but not one welcomed by the Opposition.

Price Waterhouse Survey

Mr PITT: I refer the Treasurer to the recent Price Waterhouse survey and claims by the Deputy Leader of the Coalition that this proves that Victoria is outperforming Queensland. I ask the Treasurer whether this is a correct interpretation of the report or is the Liberal Leader wrong yet again?

Mr De LACY: I thank the honourable member for the question because the Opposition shadow Treasurer did not have the intestinal fortitude to ask a question on this subject yesterday simply because what she would prefer to do is put her own interpretation on it which, as I think all members can appreciate, is a wrong interpretation. The interpretation of this Price Waterhouse survey by members of the Opposition, particularly members of the Liberal Party, just points to the way in which they operate. They look at these surveys, they ferret through them until they can find a single negative, and then they blow that negative out of all proportion and come to conclusions which are simply not justified. Nevertheless, it does raise some important issues. I think the survey is worth while; it is something that I read every six months when it is released. It is a survey of 41 prominent economists throughout Australia, and it asks them questions about the conduct of economic management and about economic performance.

For the first time, the majority of these people say that economic management is better in Victoria. That is the one point that the member chose to blow up. The survey says that Western Australia and Queensland are vying for top economic performance. However, the unmistakable bottom line is in the conclusion. When one looks at the economic management and economic performance together, it says—

> "Queensland continues to dominate in this overall rating."

A Government member: She missed that.

Mr De LACY: Yes, she missed that; she did not go into it deeply enough. It goes one step further and talks about business conditions. This is what the Liberal Party has been jumping on. The Leader of the Liberal Party, quite cutely but dishonestly, implies that, because of a perceived improvement in business conditions, somehow that means that the overall business climate is better. That is not what those people said. They said that a question is asked about changes in business conditions.

They went on to say—and I believe that this reflects directly on Queensland and Victoria—that one State can dominate another in terms of the level of business conditions—as Queensland does on Victoria—but that some other State may improve more rapidly from a lower base and so achieve a higher score. It is

obvious that, in Victoria, they have more room for improvement. When one is at the bottom of a dark lagoon, the only way to go is up.

Mr Littleproud interjected.

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

Mr De LACY: Whereas when one is perfect in every way, it is very hard to improve. But I believe that the scary thing for the other States is that most of the respondents said that Queensland has improved in the past 12 months, even though we are the best all the time. The Opposition is trying to say that Victoria somehow is better than Queensland; that its economic management is better than Queensland's. Victoria has a net debt of $31.9 billion. It has another $20 billion worth of unfunded liabilities.

Mr Littleproud interjected.

Mr SPEAKER: Order! I have warned the honourable member for Western Downs under Standing Order 123A. He will now leave the Chamber.

Whereupon the honourable member for Western Downs withdrew from the Chamber.

Mr SPEAKER: Order! The level of interjections is unacceptable.

Mr De LACY: I will post this to the honourable member. I would hate him to miss it. Employment growth in Victoria is 2.9 per cent; in Queensland, it is 5.3 per cent. Victorians are talking with their feet.

Mrs Sheldon: You're in power. Why don't you debate it today in the House? It was on the notice paper.

Mr De LACY: I was waiting for a question from the honourable member. The honourable member should ask me a question.

Mr Borbidge: Bring on the debate.

Mr De LACY: Wouldn't we love a debate!

Mr W. K. Goss: Mrs Sheldon's next for questions.

Mr De LACY: Yes. We will see whether she asks me a question.

Victoria has been put forward as a model. It has been suggested that what we could do is adopt the Victorian solution. I refer to a report titled "The Kennett Revolution". This is the Opposition's policy. It has never given us a policy before, except "Do what Jeff Kennett did." As to education—the report states that the number of schools in Victoria has been cut from 2 000 to 1 745, so 255 schools have been closed down. The Health budget was cut by $371m. In relation to financial management— Government debt was up $2 billion to $32 billion. The Social Justice Unit was abolished. As to planning—local councils have been sacked and amalgamated and replaced with unelected commissioners. In relation to public administration—40 000 public servants were sacked. As to public transport—buses have been privatised.

Mrs SHELDON: I rise to a point of order. This is question time. The Minister had his chance to debate this on the notice paper and would not.

Mr SPEAKER: Order! I accept the honourable member's point of order. The Treasurer is starting to debate the question. He will now conclude his answer.

Mr De LACY: There are only two more headings. In relation to law reform—the Law Reform Commission was abolished, court fees were increased, the equal opportunity commissioner was sacked, and freedom of information access has been restricted. As to industrial relations—compulsory arbitration has been abolished, access to unfair dismissal has been restricted, and there have been attempts to force workers out of awards and into contracts, which results in an exodus to the Federal system. That is the Jeff Kennett blueprint, the one that the Opposition says it would introduce into Queensland.

Government Aircraft

Mrs SHELDON: My first question—

Mr De Lacy interjected.

Mrs SHELDON: The Treasurer had his chance, and he would not debate it, because he is a coward. In fact, he can debate it right now, if he wants to.

Mr SPEAKER: Order! I want to hear the question.

Mrs SHELDON: I direct my first question to the Minister for Emergency Services. I refer to a current review of the Government's aircraft fleet in which the operation of the "Wayne plane" has been assessed along with the operation of the Royal Flying Doctor Service and the Aerial Ambulance by an outside consultant. What is the name of the consultant? How much have they been paid? Will the Minister release the report? Will he guarantee the Royal Flying Doctor and the Aerial Ambulance that their aircraft and flying hours will in no way be reduced as a result?

Mr BURNS: We have spent a considerable amount of time looking at the services provided by the Government Air Wing and by the Ambulance Service in relation to ambulance vehicles in Bundaberg and Rockhampton. We have also looked at the north Queensland

response group that we took over when it went broke under Frederick, Bulger and other people. We have also looked at the operation of the small helicopter services that we have. We have sought a report. We appointed a group of independent consultants—and I do not have their names here, but I will supply them to the honourable member; there is no worry about that. We have gone right through the whole process of looking at aero medical services, and we have talked to the Flying Doctor Service.

I believe personally—and I think that the Government will support this proposal—that when the Flying Doctor Service is running fixed-wing services, the job of the ambulance is to get people to a doctor, and if it happens to be the Flying Doctor in a plane in Weipa or one of the other far-flung country towns, it is far better to do that and get them from there to the hospital than to be providing our own small planes and our own facilities.

I believe that the job of emergency services is to try to provide helicopter services and emergency services and get people from those emergencies direct to the doctor. I have spoken directly with Flying Doctor Service officers. I have had officers from my department talk to them. We are now going through a process of looking at the costs involved and an extension of the Flying Doctor Service, because I believe we ought to give them a greater opportunity to serve some of the areas with their fixed-wing aircraft. If I can help them, I will.

Metroad 5

Mrs SHELDON: I think the Minister did say he would release all the details I asked for.

Mr SPEAKER: Order! I warn the Deputy Leader of the Coalition that other occupants of this chair would consider those comments as a further question. I do not, but I am sorely tempted. The honourable member will ask her question.

Mrs SHELDON: I just wanted him to clarify——

Mr SPEAKER: Order! If that is the case, that is an extra question. Come on.

Mrs SHELDON: I direct a question to the Minister for Transport. I refer to traffic Route 20, now Traffic Route 5, which upgrading the Minister promised to abandon when in Opposition. I ask: as the Transport Department now owns about 34 houses and properties in Rouen Road, Jubilee Terrace and Macgregor Terrace in the Bardon area, does the Government now plan to proceed with the upgrading and, if not, will the Minister give an undertaking to sell those properties?

Mr HAMILL: Just to correct the honourable member opposite—it is actually Metroad 5 to which she refers. Metroad 5 is an important link in the metropolitan and, indeed, the south-east Queensland road network. In fact, about four years ago in this place, I gave an undertaking that there would not be major works on what was then known as Route 20, with two exceptions. One was the open level crossing at Enoggera, which had claimed lives and had been a serious accident black spot. Even the member for Caloundra would appreciate that on a heavily trafficked road——

Mrs Sheldon: I am asking you about——

Mr HAMILL: The honourable member should listen to the answer. She has had a fair go today. Even the honourable member for Caloundra would appreciate that, on a heavily trafficked road, an open level crossing with frequent rail services is a traffic hazard. I make no apology whatsoever for ensuring that that open level crossing is now safe through the construction of an overpass. That was something I promised four years ago, and we have delivered.

The second point was that there would be no works on that link other than those that pertained to road safety. From the feedback that I have had from residents along Kaye Street—those who were sick and tired of picking up the remains of human beings and their vehicles out of their front yards—they have been most grateful for the works that have taken place along Kaye Street to improve road safety. That was a project that attracted significant funding from the Commonwealth under the black spot road program.

There are no other significant works programmed for Metroad 5, but it is still the case, and it is the case across-the-board, that some residents will wish to sell properties on hardship grounds to the Department of Transport, and the Department of Transport will purchase on hardship grounds if no other purchaser can be found. No, there are no other major works. The Government is honouring its commitment to those people. Because of the measures that we have taken, Metroad 5 is much safer today than it was when coalition Governments held the Treasury benches.

Higher Education Places

Mr LIVINGSTONE: In directing a question to the Minister for Education, I refer to the announcement today by the Federal Minister for Employment, Education and Training, Mr

Simon Crean, about more higher education places for Queensland. I ask: could the Minister explain the details of this announcement for Queensland students and its impact on planning for a university in Ipswich?

Mr COMBEN: I certainly will tell honourable members on both sides about a very good announcement today from my Federal colleague Simon Crean. It is good news for Queensland students; it is good news for Queensland universities. It is an acknowledgment that the arguments that we have put fulsomely and forthrightly to Simon Crean have been adopted. The first line of his media release states—

> "The Federal Government will provide an extra 500 higher education places in 1995 in recognition of the needs of population growth centres in Queensland."

He goes on to talk about where the money comes from, but gives another commitment—

> "The Government is currently considering options for the provision of higher education places as proposed by the joint working party on resource allocation and this will form the basis for the Budget decision."

The Federal Government is giving a commitment to working towards the extra places on top of the 500 that we need. Clearly, the places will be used in Queensland. The Federal Government has given the commitment of extra places to Queensland, demonstrating the Commonwealth's commitment to its people and its recognition of the State's rapidly changing profile. On top of extra places—which we appreciate and for which I publicly stand up to say "Thank you" to Simon Crean because early next year those 500 places will be absorbed into our six public universities; they are much needed—he goes on to announce in-principle support for the proposed development by the University of Queensland of a new undergraduate campus at Ipswich.

Mr Hamill: Hear, hear!

Mr COMBEN: Hear, hear! It is a great announcement.

Mr Hamill: What a wonderful decision.

Mr COMBEN: It is indeed a wonderful decision worked on by the members for Ipswich and Ipswich West. The media release continues—

> " 'Subject to the acceptance of the site by the University and positive outcome of a joint Commonwealth/State working party, the Commonwealth would be prepared to provide $2 million to enable site works to commence in 1997,' he said."

He refers to some $36m of the capital development pool from which Queensland will be getting $12m for Queensland institutions. This means that our program of regionalisation into areas represented by members opposite and on this side will be able to continue. The historic argument that Queensland has been underfunded is, for the first time, being addressed. Mr Crean said that the announcement today could be seen as a down payment on the future. The Federal Government has acknowledged it. It is a great day for Queensland and for our students. Certainly, next year our students will start to benefit.

Tourist Industry

Mr LIVINGSTONE: I ask the Minister for Tourism, Sport and Racing: in light of the release of the latest annual report of the Queensland Tourist and Travel Corporation, can he advise the House of the current state of the Queensland tourist industry?

Mr GIBBS: I am delighted to be able to outline to the House the state of the Queensland tourist industry. I guess that there is a group of people in the Chamber today who would be delighted because they have been able to see part of it first-hand, that is, the members of the Liberal Party who have been endorsed for a number of electorates and who have been here for lunch today.

Mr Hamill: The last supper.

Mr GIBBS: Indeed, it is the last supper for many of them. They have had the opportunity to see first-hand the excellent training that takes place in our tourism and hospitality industry. The luncheon for candidates would have been spoiled, I would think, after observing the pathetic performance by the Liberal Party here today at question time. The reality is that the annual report of the Queensland Tourist and Travel Corporation reflects the ongoing success and growth of Queensland's tourist industry. I believe that in congratulating Frank Burnett and the board and the employees of the Queensland Tourist and Travel Corporation, I might point out to the House today that the annual report shows that, in 1993, we had 1.4 million international visitors into Queensland, which was an increase of 15.5 per cent, and 2.4 million interstate visitors, an increase of 16 per cent. That means that the 51 per cent market share of international visitors into Queensland has been maintained comparable to that of previous years. We have a 27 per cent market share of the interstate holiday market, which is up 2 per cent and, for the first

time, last year 88 per cent of money that was given by the Queensland Government to the Queensland Tourist and Travel Corporation was, in fact, spent on both international and national marketing and promotion of Queensland. As the Premier has pointed out today, the industry in this State is worth $6.7 billion to Queensland and it is responsible for creating something like 140 000 jobs.

This morning it was with some amusement, and I am sure amusement on the part of the *Gold Coast Bulletin* as well, that I read on page 31 of that publication—bearing in mind the excellence of those figures that I have just pointed out to the House—that the Opposition spokesman on Tourism, Mr Veivers, who conveniently was able to get himself evicted from the Parliament here today, said, "Government to blame for hotel shortage". Nobody believes him—not even the *Gold Coast Bulletin*, because it buried the article away on page 31. The reality is that, as a result of the way the Government has planned this industry, we have moved away from the boom and bust mentality that members opposite promoted when they were in Government in the eighties, which led to an oversupply of hotel accommodation, which meant lower profits and in many cases many of our hotels simply not making a profit. If the honourable member talks to people in the industry today, he will find that as a result of better planning they have occupancy ratings of almost 90 per cent and room rates per capita in cost terms are now becoming the equal to anywhere in the world.

I will outline to the House exactly what is happening in terms of development in Queensland. The reality is that in Cairns, for example, nine new facilities, providing an additional 443 rooms, opened during the year. They range from the 150-room Palm Royale Resort to smaller facilities such as the Ferntrees Resort at Cape Tribulation with 28 rooms. Additionally, work has begun on the Brisbane Casino Hotel and recommenced on the Times Square project at Spring Hill. On the Gold Coast, work is scheduled to start in early 1995 on the Southport Transit Centre, which incorporates a hotel. As recently as 18 November, it was announced that the Woolworths site at Broadbeach has been sold for redevelopment with a hotel.

In the major tourist areas of Cairns, Brisbane and the Gold Coast, a significant number of projects are in various stages of planning. It is worth while that I should acquaint the Opposition with what is going on. In Port Douglas, the Tree Tops Resort, 300 rooms; in Cairns, the Regents Resort, 252 rooms; Lyons Hotel site, 304 rooms; courthouse site, 350 rooms; Oceanic Hotel site, 220 rooms; Centenary Resort, 360 rooms; and in Brisbane, there is the hotel site on the corner of Queen and Ann Streets, the capacity of which at this stage is not known.

In addition to that, let us have a look at what is going on on the Gold Coast—the backyard of the Opposition Tourism spokesman who simply does not even know what is taking place on his own patch. The Shinko development on Hope Island is due to start next year. I have recently had discussions with the Shinko group in Japan who assure me that that project will start next year. That will be a four star hotel of 216 rooms. Also, we have the Travelodge, Surfers Paradise, 100 rooms; Pamamull development, Surfers Paradise, 145 rooms; C. Y. Wong development, Broadbeach, 308 rooms; Hudson Conway development, Surfers Paradise, 400 rooms; Hotel Properties development, Surfers Paradise, 400 rooms; and the HIS Corporation, Zarrows site, Surfers Paradise, 408 rooms.

When one sees the type of folly that was indulged in by the Opposition spokesman, Mr Veivers, in the paper this morning and when one sees the excellence—and that is all it can be judged—of the performance of the Queensland Tourist and Travel Corporation mirrored in the accuracy of the figures in this report tabled yesterday in the Parliament by me, is it little wonder that the candidates for the Liberal Party sitting in the public gallery today know they are destined to be up there for a long time. The public gallery is the closest they will ever get to the floor of the Chamber.

Oyster Point Development, Police Powers

Mr COOPER: I refer the Minister for Police and Minister for Corrective Services to accusations that police at the Oyster Point development site did not do their duty after the project was closed down by the Federal Government and the announcement by an Innisfail police spokesman that legal advice was being sought as police power was vague and needed clarification, and I ask: what advice, if any, was provided to those police officers by the Minister on how to discharge their duty in the event of any action by the Federal Government under the World Heritage Properties Act?

Mr Mackenroth: How would he know?

Mr COOPER: The Minister should know. If no advice was provided, how would these police be aware of the provisions of the Federal World Heritage Properties Act? Has the Minister's Government acted to ensure that police who are stationed in the vicinity of tourist developments are being briefed properly on that World Heritage Properties Act?

Mr BRADDY: I thank the honourable member for the question. It certainly demonstrates what we have seen time and time again—that the shadow Minister for Police has learned very little in his five years in Opposition in terms of the duties of the Police Minister vis-a-vis the police who do the work in this State. In relation to the police——

Mr Cooper interjected.

Mr BRADDY: The member knows that he cannot take it, but he should just sit back and try it for once. In relation to the police in that region, I believe that the situation has been handled well by them.

In the demonstrations by the conservationists leading up to the final actions by Senator Faulkner, the police handled the situation so well that, in fact, although they escorted numerous protesters away, only two people had to be charged. Both of them were charged with assault; one of a site employee and one of a police officer. Senator Reynolds, who is a strong supporter of the conservationists in this dispute, told me unsolicited on several occasions how well Inspector Stackpoole, the officer in charge at the scene, and his officers had handled the situation. She said that she could not find fault with the exercise of discretion, tolerance and commonsense in relation to the way the police had handled the situation.

Moving to the next stage of the question—I have to confess that I did not go up to Oyster Point, nor did I bring the police in that area down here to give them a personal briefing on how they should enforce the law. I did not send them out a code or a manual. I have to also confess——

Mr Cooper: They weren't briefed.

Mr SPEAKER: Order! The member for Crows Nest has asked his question.

Mr BRADDY: The member does not like copping the answers. I have to confess also that the police academy does not invite me to address police officers on operational duties and other matters. The academy seems to think that it can inform and instruct the police in relation to the law and their duties and how they carry them out without getting the Police Minister in as a guest lecturer on operational matters. In relation to the law, the police officers have lecturers and senior officers, and those people instruct them as to the law. They do not get the Police Minister to instruct them any more than the Department of Education gets the Education Minister to lecture on educational matters.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Mr BRADDY: The member does not understand that when Police Ministers used to interfere and direct operations, that was an aberration. It should not have happened, and it does not happen under this Government. The police have handled the scene at Oyster Point extremely well. I am very pleased with what they have done, and they do not need interference from the member or his National Party colleagues.

North Queensland Storm Dangers

Dr CLARK: I ask the Premier and Minister for Economic and Trade Development: is he aware of potential dangers from severe storms facing residents of north Queensland? Can he inform the House what steps residents should take to reduce this risk?

Mr W. K. GOSS: I urge members who have a concern in this area to get a copy of this Cyclone and Storm Surge Media Kit, which contains a range of useful information, in particular the leaflet in relation to severe storms.

Mr Rowell interjected.

Mr W. K. GOSS: Mr Rowell should get copies of this in his office for his constituents.

Mr Rowell: They've been living up there a bit longer than you, though.

Mr W. K. GOSS: They have, but they have not been represented very well for the past couple of years.

Mr Rowell interjected.

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

Mr W. K. GOSS: This is a comprehensive brochure. I think that the other material contained in it would be helpful for people as it offers a range of advice. On the back of it are practical tips. The member for Hinchinbrook might even learn something. However, if he knows it all, then I think he should at least make it available for the people of his electorate, and other members could do the same. I urge members to get a copy of this material if they have an interest, and in particular this brochure, which is produced as one of a number of useful public information brochures.

In relation to the need to assist people to assist themselves, I thank the member for Barron River for her question and her interest in this area because she is certainly trying to do her best to minimise storm damage in her own electorate. That is more that I can say for some people, because it has been drawn to my attention that,

in Barron River, some people are actually trying to encourage storms. In September, the National Party President, Mr McDonald, stated in the *Cairns Post*—

"The Nationals would have a candidate and would contest the Liberals with a belief of taking Barron River by storm."

This is a matter of concern, because the potential for storms in Barron River was taken further by National Party Director, Mr Crooke, in October when he said—

"Barron River would not be the toughest seat in the State to win but it was critical to the success of the Opposition's move for Government."

I will conclude on this note: it is critical to the success of their move for Government. It shows the risk of storms because the endorsed——

Mrs Sheldon interjected.

Mr SPEAKER: I warn the Deputy Leader of the Coalition under Standing Order 123A.

Mr W. K. GOSS: The endorsed National Party candidate for Barron River, Mr Gibbs, said on 18 September in the *Beachcomber*——

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A. I have been tolerant for a long time and I now ask him to leave the Chamber.

Whereupon the honourable member for Surfers Paradise withdrew from the Chamber.

Mr W. K. GOSS: The Leader of the Opposition did not want to hear the next quote. Mr Gibbs, the National Party candidate endorsed by Mr Borbidge, said—

"And being a realist, I don't believe that I have much chance of success now that it's a three-cornered affair."

It is the end of Mr Gibbs. The Nationals' own candidate admits that the Liberals are going to sink them in Barron River—sink the opposition. It is the end of the Nationals' critical push to Government, and it shows the danger of storms anywhere in this State.

Business Investment in Queensland

Dr CLARK: Mr Speaker, I thank the——

Mr FitzGerald interjected.

Mr SPEAKER: Order! I find that comment offensive, and I ask the member for Lockyer to withdraw that comment.

Mr FITZGERALD: Mr Speaker, it was not any reflection on you. I certainly withdraw.

Dr CLARK: I thank the Premier for his most comprehensive response. I refer the Treasurer to claims by the Liberal Leader that an Access Economics survey showed that business investment in Queensland is below the national average, and I ask: is the Liberal Leader correct or is this yet another example of her incorrectly interpreting surveys?

Mr De LACY: I guess the real question is: will it ever end? The member for Barron River, like me, is a very keen reader of surveys. It is important that we do keep across all of the surveys, because I think there is a message in every survey. The Access Economics survey that has been referred to by the member for Barron River and used by members of the Opposition to somehow once again imply that Queensland is not performing is of fairly limited value.

The *Investment Monitor*, as it is called, surveys investment projects greater than $5m, which means that it does not capture small business at all. By definition, it excludes tourism investment—our biggest and fastest growing industry—and it does not include retail investment, so it is fairly limited. But what it does say is that, apart from Western Australia, Queensland has the highest per capita investment in manufacturing; there is more manufacturing investment in Queensland than in New South Wales, which has twice our population. Of the 95 new projects included in the survey, 21 of them were from Queensland.

Another survey has come to my attention. I notice that it has not been raised by the Opposition. The Leader of the Liberal Party has not had the chance to provide her interpretation, which I would be interested in. I am referring to the Morgan poll that was published this morning. It says a lot about prospects for Queensland as well.

The Opposition has already provided its interpretation. Honourable members know how the Opposition talks about being level pegging in the polls. That level pegging is: Labor Party, 46.5 per cent; National/Liberal Party, 40 per cent—level pegging give or take a few per cent. Interestingly, of National Party supporters, 51 per cent said that Mr Goss would make the better Premier; 35 per cent preferred Mr Borbidge. This is a survey of National Party supporters. I have to say that I am a bit worried about the image that the Premier is portraying out there if 51 per cent of National Party supporters prefer him.

Something else which is a bit worrying from our point of view is that 1 per cent of Labor voters prefer Mr Borbidge.

Mr Elder: We know who that is.

Mr De LACY: Does anybody know who that is?

Mr Gibbs: They write *Keep Left*.

Mr Hamill: That was a trick question.

Mr De LACY: Mr Gibbs said that they write *Keep Left* that the Opposition is flourishing around here today.

Maybe the reason that the Liberal Party has not raised this issue or put its own interpretation on it is as follows: how does the Deputy Leader of the Coalition interpret the fact that, of Liberal Party supporters, 59 per cent said that Mr Goss would make the best Premier; 30 per cent less than that—29 per cent—said that Mrs Sheldon would make the better Premier. And these are Liberal Party supporters!

Mr SANTORO: Mr Speaker, I rise to a point of order. I refer you to Standing Order 70, which requires the Minister or any contributor on the floor of Parliament to be relevant to the debate or to the question. Mr Speaker, if you refer to the question asked of the Treasurer, what he is now saying is not relevant, and I would ask you to rule accordingly.

Mr SPEAKER: Order! I ask the Treasurer to come back to the question.

Mr De LACY: Mr Speaker, I accept that ruling. However, 95 per cent of the people surveyed asked, "Who is Mr Santoro?"

Oyster Point Development

Mr LINGARD: In directing a question to the Premier, I refer to the Oyster Point development and ask him to advise of other proposed or current projects in Queensland in potentially environmentally sensitive areas which have been fast-tracked by his Co–ordinator General, John Down, and which have been exempted from environmental impact studies.

Mr W. K. GOSS: I am not aware of any.

Commonwealth Bank Closure, Weipa

Mr BREDHAUER: In directing a question to the Deputy Premier, Minister for Emergency Services and Minister for Rural Communities and Consumer Affairs, I refer him to the recent announcement that the Commonwealth Bank in Weipa will close its doors on 9 December, and I ask: can he advise whether there is anything that the State Government can do about this matter?

Mr BURNS: I thank the honourable member for his question. I can understand his anger, and I congratulate him for his work on this issue. It is becoming really difficult to understand why banks would withdraw from a town such as Weipa. The argument that Westpac and others have offered when they have withdrawn from country towns has been difficult to accept at any time. However, there are 3 000 people living in Weipa. There is the nearby Aboriginal community of Napranum, which has 1 000 people. Aurukun is 20 minutes' flying time away and has another 1 000 people. Mapoon has a couple of hundred people. When all of those figures are added together, we can see that there is a substantial community in that area that is entitled to banking facilities.

Over the years, the banking industry has done very well from the rural communities and mining towns in this country. Those towns have poured good money into the banking industry. It seems to me that the excesses of the eighties have pushed the banks into the situation where in the future they will do business in the high-lending areas where they can make good dough. They are getting out of the services in the small areas.

One of the things that each and every one of us has to do is stop using the automatic teller machines outside the banks. I have seen three or four people standing outside a bank in my electorate of Wynnum when the bank is open; they are still using the automatic teller machines outside. This means that jobs inside the bank come under threat, because every time we use those machines we reduce the need for persons inside. The banks are saying, "We are not replacing the bank. We are not getting out. We are leaving you with an EFTPOS or an EFTPOB machine."

One of the other problems for rural towns is that it is too easy to bank in a city such as Cairns or in another town. It is too simple. A lot of business people in country towns are doing business in other places when they should be doing it in their own towns. As I said, the banks are focussing on investment services, which yield greater profits. I have asked the member for Cook and the Office of Rural Communities to try to talk to Comalco, the main employer in the town of Weipa.

The Honourable the Minister for Local Government, Mr Mackenroth, and the Treasurer, Mr De Lacy, were able to change aspects of the Statutory Bodies Financial Arrangements Act. That gave councils a wider choice of banking arrangements. Unfortunately, in Weipa there is no council. There is a process of normalisation going on, but there is no council there at present, so it really is a matter for us to talk to Comalco and others about the services that they are providing for their workers and for the people who are living in that town.

Mr FitzGerald: You want to pull the ATMs out of country towns?

Mr BURNS: No, I do not; I want to put banks in country towns. I want to keep banks and staff in country towns. What I am saying very clearly to the honourable member is: use an ATM after hours, but do not use it when the bank is open; use the staff. The honourable member should say to some of his friends, "Don't buy in Toowoomba when you can buy in Roma. Don't buy in Townsville when you can buy in Hughenden. Don't bank in Cairns when you can bank in Weipa." If people keep using those types of facility, the towns will suffer.

I will outline further what has happened. The change to the Act that Mr De Lacy and Mr Mackenroth put through allowed credit unions and building societies to do business in these towns through the local authorities. Miriam Vale now has the Capricorn Credit Union; Julia Creek has a branch of the Queensland Country Credit Union; and Pioneer Permanent Building Society provides a service in Alpha. Let me make this final point: all of the banks that have moved out of these areas can be replaced by building societies and credit unions, if they are used by the people in the town. Building societies and credit unions have been freed up to make the move. We will do our best to help the people of Weipa.

Water Supply, Croydon

Mr BREDHAUER: I direct a question to the Minister for Primary Industries. Recent media reports in north Queensland have suggested that the Goss Government has neglected the township of Croydon's water supply. I ask: will the Minister inform the House of the steps taken by the Government to address this situation?

Mr CASEY: There seems to be a misconception among some people that this Government has been neglectful of the Croydon Shire Council and its water supply. Let me point out that the tiny gulf township of Croydon has one of the poorest water supplies anywhere in Queensland. Recently, I inspected that water supply. They had been putting down bores in the same area for a long period, tapping small, fractured areas of water from the same bore field and simply draining the whole thing. They then were taking water draining off the side of the road and pumping it into a hole that had been left by a mining company. If one saw the bluey, greeny, slimy-looking water that they were pumping round to the townspeople——

Mr Burns: They're tough up there.

Mr CASEY: One would not allow one's dog to drink it. In fact, the dog would turn up its nose, drop its tail and head off. A dog would not drink out of that waterhole.

The important thing that must be noted is that the Croydon Shire Council and the previous State Government had known of this situation since 1968—26 years before the matter was drawn to my attention by a deputation from the Croydon Shire when Cabinet met in Mount Isa in July this year. The Government has moved very quickly to resolve this matter. We have undertaken an examination of all potential storage sites in the area. Croydon faces a very difficult predicament. The area has an evaporation rate of almost 3.5 metres per year—a dreadful evaporation rate for a small township. It is very difficult to establish a proper storage site under those circumstances.

Officers of my department and I, in conjunction with the honourable member for Cook, have worked very hard to examine the ways in which we can assist those people. I compliment the honourable member for Cook for his contribution to that process. Only two weeks ago in Croydon, the member, other members of my committee and I were able to put a proposition, which will cost $2.7m, to the council to relieve the predicament. After all the years of neglect by the National Party, finally a scheme is being proposed. The scheme has been accepted by the council. The proposal includes assistance funding from the Federal Government. Only yesterday I spoke with Senator Collins about this matter, and he is putting through the approvals very quickly. The council is submitting its proper plans to the Honourable the Minister for Local Government, Mr Mackenroth.

Under the Rural Communities Water Supply and Sewerage Scheme—implemented by the Goss Labor Government to overcome the 32 years of neglect of rural towns in Queensland under the National Party—we will resolve this problem in a satisfactory manner. All credit must go to the member for Cook for his work in this regard.

Mr SPEAKER: Order! The time for questions with or without notice has now expired.

MATTER OF SPECIAL PUBLIC IMPORTANCE

Government Services

Mr SPEAKER: Order! Honourable members, I have received a proposal submitted by the Leader of the Opposition for a debate on the following matter—

> "Failure by the Government to deliver adequate essential services to Queenslanders, particularly in health,

> education and law and order, despite significant increases in funding."

I now call on the honourable member for Crows Nest to speak to this proposal.

Mr COOPER (Crows Nest) (3.55 p.m.): More than nine months ago, on 16 February, the Premier informed this House about crime in Queensland, and said—

> "The Queensland figures show that, when one takes into account population increases, there is a relative improvement."

Two days later, I wrote to the Minister for Police and Minister for Corrective Services, Mr Braddy, asking whether he could provide me with the statistical evidence to back that assertion. Needless to say, as usual, he never replied to that letter. I will table that letter.

Presumably when he made that extraordinary statement, the Premier was seeking to suggest that crime is so much better controlled and that our community is so much safer under his administration than it was under the previous Government. That claim was so demonstrably foolish, not to say untrue, that not only has the Police Minister been unable to defend it with hard evidence but also the Government has abandoned that pretence and now relies on the excuse that there is a general breakdown of law and order worldwide and that Queensland is suffering from this international crisis.

In May 1989, the then Opposition Labor Party issued a document titled *Law and Order—Goss Government initiatives to make our State safe . . . again*. Under the heading "Fundamental principles", the document stated—

> "Law-abiding Queenslanders rightly expect a safe and secure environment in which to live and bring up their families. This is the first responsibility of Government. It is also the first right of any citizen."

Of course, there was no reference in that document to any worldwide trend in lawlessness. Presumably, the Government would have us believe that the terrible lawlessness in 1989 ended with its election and has emerged only recently because we have finally succumbed to this international trend.

This worldwide trend which is now blamed for the rapidly worsening situation in this State must have hit Queensland on the morning of 17 February, the day after the Premier's claim. Future historians no doubt will be grateful to him for so accurately defining the date. That 1989 Labor Party document selected seven offences from the 1987-88 police force annual report to try to show how lawless Queensland was at that time. In February this year, I did an analysis of those 1987-88 figures and compared them with the 1992-93 figures. Six of the seven offences in the five years have shown skyrocketing increases. Serious assault was up by 96.5 per cent; breaking and entering of dwellings was up by 86.1 per cent; rape and attempted rape was up by 83.6 per cent; minor assault was up by 75.9 per cent; stealing and unlawful use of motor vehicles was up by 65.6 per cent; and stealing was up by 44.6 per cent. To underline the crisis and the Government's failure, it is also interesting to note that the clear-up rate for every single one of those seven offences had worsened considerably in the five years. Not only are there now far more victims but also far fewer criminals are being apprehended.

What was the Government's response? It tried to claim that the 1987-88 figures, which it had used itself in its 1989 document, were a pack of lies put together by a corrupt and self-serving police administration and therefore simply not worth considering. This, of course, completely and conveniently ignored the fact that the Police Commissioner, Mr O'Sullivan, in the statistical review supplement to his 1992-93 annual report, had a lengthy section titled "Ten-year crime trends" incorporating no fewer than 25 graphs showing crime trends per 100 000 people over the period beginning 1983-84. This was the annual report that was tabled in this House last year by the Minister for Police, who presumably accepted it happily at that time. The question must be asked: if Mr O'Sullivan included crime statistics which were nothing more than lies and fabrications, why did the Minister willingly table that report?

The simple fact is that crime in Queensland is out of control, and it is worsening at a horrifying rate. In May, the Australian Bureau of Statistics released its review which revealed that over the previous 12 months one in 19 households experienced at least one break and enter, one in 45 people over the age of 15 was the victim of at least one assault, one in 77 households experienced a car theft, and one in 83 people over the age of 15 was the victim of at least one robbery. In its desperate thrashing around for excuses—a necessary exercise, since the people did not seem to burst into tears of grateful relief and gratitude when the Premier made his famous February statement—the Government has gone beyond the international lawlessness trend defence and now accuses the media of irresponsibility, of creating so-called beat-ups when it reports violent crime, including home invasion. It is a classic case of shooting the messenger.

Last month, Suncorp issued its annual report, which revealed that in 1993-94

household burglary claims had increased by more than 50 per cent over the previous year. Suncorp said that it had paid out a whopping $17m in burglary claims. As Suncorp insures one in every three Queensland homes, it is not unreasonable to deduce that household break and enters and thefts are costing the insurance industry—which means the poor policy holders—some $50m a year or close to $1m a week. That annual report deserves to be quoted, as it certainly gives the lie to this Government's deceitful claims about keeping the lid on crime. It said—

> "Since 1989-90 the cost of burglary and theft claims has increased by more than 130% and now represents nearly 44% of the cost of claims incurred in the home insurance portfolio."

It is nothing more than an utter disgrace. The report continued—

> "As Suncorp insures one in three Queensland homes we are becoming increasingly concerned about these rising costs, both to the community and to insurers, from this type of crime."

It seems everybody is increasingly concerned—everybody, that is, except the Government, which says it is either a media beat-up, the result of an international trend, a conspiracy or a myth, depending on how the Government feels at the time.

What has been the Government's response to this crisis? In 1989, Queensland was given the promise, in writing, by the Labor Party that an extra 1 200 police would be provided in its first three years. So what are the facts? In December 1989, there were 5 282 police. According to Mr Braddy, it is estimated that, by 30 June 1995, there will be 6 257 police, which is an increase of only 975 in five and a half years. It means a miserable, disgraceful average monthly increase in the Queensland Police Service in the 66 months of the Goss Government from December 1989 to June 1995 of only 14 or 15 at a time when our population is increasing by more than 7 000 a month.

It should not be forgotten that since 1989 police have won a 38-hour week, which according to the Police Service itself has had the net effect of reducing police strength by 5 per cent. So the real increase is even lower. Amazingly, Mr Braddy has confirmed that the projected 6 257 police in June next year will actually be 14 fewer overall than the June 1992 total. The reason for this is plain when it is considered that, in 1991-92, 603 police were sworn in and 384 trainees accepted while in 1992-93, 285 police were sworn in and 276 trainees accepted. This neglect, this appalling abdication of what the Labor Party called in 1989 "the first responsibility of Government", is possibly the worst betrayal of Queensland of which this regime has been guilty.

In September this year, the Criminal Justice Commission released its extensive and exhaustive study of Queensland police and calculated that, at best, only 73 per cent of police were on operational duty, which of course blew out of the water the absurd claims by the Minister. In that report, the CJC calculated that, of the 6 208 police in February this year, only 4 508 were employed in what were described as direct service delivery roles and that, at any one time, only one quarter of those were available for rostering. This means a paltry 1 100 to 1 200 officers at any one time on the beat, and this means, as the CJC further noted, that police typically patrol in pairs, that the entire State of Queensland has at any one time only about 550 to 560 police patrols. It could even be fewer than this, because the CJC report noted that its definition of "direct service delivery roles" was "a very broad definition". It went on to say—

> "Many police in this category would not be on the streets or likely to come into contact with the public."

The Minister speaks of monitoring police numbers and having seen endless so-called reviews. That brings to mind bizarre images of generals frantically shifting pins on maps in the deluded belief that the armies are there to withstand the onslaught. We know that these so-called armies are phantoms, false numbers and false figures. The whole operation of this Government has been designed to try to delude and deceive the people.

All of Queensland is under threat from criminals and thugs who know as well as the Government that there simply are not enough police. What the Labor Party said in 1989 was the first responsibility of Government has been a disastrous, monumental failure, and we are all the victims.

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.04 p.m.): One of the great welcomes this Government received on 2 December 1989 was the welcome of the Queensland people to make a decided and decisive effort to rid Queensland of the corruption and the nonsense that had occurred in the law enforcement areas of this State for far too long.

Mr Lingard: Tell us about the Cooke inquiry.

Mr BRADDY: I listened in quiet to the

Opposition's spokesman; the member can give me the same respect.

In 1989, when we came to Government, we were faced with a predecessor Government which, in its dying weeks and months, had been forced by scandal after scandal to face up to what it had not delivered in this State. We had a Fitzgerald report which told us what an absolute mess the justice system in this State was in as far as police were concerned, and we had a Kennedy report from the year before which showed an even worse condition, I suggest, in relation to prisons. So after 32 successive years of National Party and National/Liberal Party Governments, we had the greatest mess in Australian history in terms of police and prisons. We had the Police Commissioner about to face charges, for which he was subsequently prosecuted under our Government and given 14 years' imprisonment; we had senior officers such as Parker and Herbert as confessed criminals; and we had the Fitzgerald report which said that the Police Service was riddled with officers who verballed prisoner after prisoner or assaulted prisoner after prisoner. We had all of that to clean up, and we have cleaned it up.

The CJC has reported that now it rarely receives complaints from the public about police verballing or police bashing. Our Government has put ex-commissioner Lewis and other corrupt police officers in prison. We had that big clean up to do, and we have done it. That is the first and most important starting point. If we cannot have an honest and corruption-free Police Service, what can we have? Opposition members should not even raise their heads for 32 years. They should not talk about police in this State after what they delivered to us.

Let us look at the prisons system. The Kennedy report should be compulsory daily reading for the Opposition. Again, 32 successive years, and what a mess! We again had to start right from the beginning and clean that up as well. We are now reducing significantly the number of escapes, and we now have more people in prison than the former Government ever had.

Mr Lingard interjected.

Mr BRADDY: There were a lot more escapees under the National Party Government than we have now. I can assure the honourable member that the statistics show that to be true. This financial year, we have had only one person escape from the secure perimeters of all the high and medium security prisons—one! What did we have under the National Party Government? We had riots at Boggo Road and we had prisoners on the roofs. Opposition members come into this Chamber and tell us that they have the answer to law and order. They are pathetic and are seen to be pathetic.

Mr Lingard interjected.

Mr BRADDY: I again remind Mr Lingard that I listened to the Opposition spokesman in silence. He would do better to show some wisdom for once.

In relation to the public confidence in the Police Service under this Government—we do not have to take the word of the failed former Minister for Police and the failed former Minister for Corrective Services, Mr Cooper; we will take the word of the CJC. The CJC tells us that, in its investigations, 80 per cent of the Queensland people are confident and happy with the Queensland police service they receive today. There was no way, when the National Party was in Government, with the rorts and the corruption that was allowed to flourish, that 80 per cent of the Queensland people were confident with the service that was delivered at that time. We do not have my word; we do not have the word of the failed Minister for Police and the failed Minister for Corrective Services; we have the word of the CJC.

Let us again get the amount of crime into perspective. We have to take the amount of crime per 1 000 or 100 000 of the population. Again, this year, the Australian Bureau of Statistics published its results. It said that the incidence of violent crimes in Queensland is in fact not on the increase. Sure, there are more violent crimes; there are more people; but the rate of commission of those crimes is not on the increase. It is similar to what it was 10 years ago. On a State-by-State basis, in relation to all the crimes, Queensland is not the worst in any of them. If we take murder, sexual assault, breaking and entering, motor vehicle theft—in none of those areas of crime are we the worst or even the second worst; we are in the mid range. That is the truth of the statistical information, not some false information whereby we have to accept some calculations made by the failed former Minister for Police and the failed former Minister for Corrective Services, who presided over the dying days of a corrupt system that led to the fall of that Government because it had put up with that corruption and inefficiency for so long.

In relation to our program—we have employed significantly more police officers. As well, we have computerised the whole of the Queensland police system so that, by the end of December this year, all police station computer terminals in this State will be connected with one another. So police will be able to access data immediately and record information immediately, and that represents an enormous saving in police time and a great advance in efficiency.

The news that I announced today is also one of the great reforms in policing in this State. We have reached agreement in principle with the Police Union so that from now on we will be able to roster many more police officers on weekends and at nights when they are needed to control crime. They are the programs that this Government has introduced. We were delayed in implementing some of these programs by the rotten mess we inherited in both the police system and the prisons system, with corruption gone mad and with verballing and police bashings out of control. Members opposite were in Government for 32 years. They ought to be so ashamed of themselves that they should still be going around this State apologising for the mess and the stench that they allowed to develop.

In terms of what we have done in relation to policing and what we are doing in our prisons—we are building new cells and building the new Woodford prison. Across the State there are 22 per cent more prisoners in prisons than there were 16 months ago. As well, the Attorney-General is reforming the law. We now have more appropriate laws.

A new offence of serious sexual assault will be introduced to punish the villains who were not being dealt with adequately under the laws left by our predecessors—the gap between, say, indecent dealing and rape. We now have an appropriate offence. We have increased and toughened the penalties for burglary. In the Code review that has been announced, we will have new, simplified property defence laws, which will mean that people can cause bodily harm in reasonable defence of their property. However, if the defence of the property means defending oneself, whatever force is reasonable can be used. We have made it clear. We will make it clearer and simpler. Those are the sorts of reforms in the law that were called for.

This country has not changed radically in its ways in the five years we have been in Government. Queensland has not changed radically in its ways in the five years we have been in Government. What this State needed was a Government that took it seriously, that lifted spending on police by 70 per cent, and spent the money in a way that the community appreciates. Sure, we would like to reduce the crime rate more than we have, but we will continue to apply the muscle. This Budget provides for a Property Crime Squad of 32 people who will become expert in their field to back up police around the State and to reduce the number of break and enters, which has increased.

Time expired.

Mr QUINN (Merrimac) (4.15 p.m.): The coalition does not dispute that education funding has increased over the past four years, but we do dispute the manner in which the money has been spent, in other words, what it has been spent on and what the outcomes have been for children as a result of that additional expenditure. We recognise that some gains have been made, particularly in the electorally popular sectors, such as additional computers in schools, the change in the way school grant moneys are given to schools and the introduction of foreign language instruction. We believe that, by and large, those are worthwhile improvements to the system. But if one removes the electorally popular programs and looks——

Mr Comben: They are also necessary.

Mr QUINN: I agree that they are necessary. As I said, they are welcome additions to the programs for children in schools. But if one removes that electorally popular garnish that has gone over the top of the programs and looks at the essential services—the essential requirements in schools over the past four years—one sees that there really has been no progress made. In fact, in many key areas those essential services have gone backwards.

At the recent State ALP conference, one member of the Government was at least honest enough to indicate that that was the case. Of course, I am referring to the member for Woodridge, Mr D'Arcy, who had the courage to stand up in front of all his Labor colleagues and say that, in his electorate, where he had significant problems with children who needed remedial help, that help was not forthcoming. In fact, his words were something along the lines that specialist teachers are so thin on the ground as to be invisible. He said that there was a dramatic shortage of teachers and that shortage was having a disastrous effect on children within his electorate. He recognised that he has in his electorate disadvantaged children from low-income families. He had the courage to stand up and fight for the children in his electorate.

At that time, the Minister—wanting to paint the best possible picture of the situation—glossed over the area again and went on to say how much additional money the Government had spent, how many additional computers there were and how many additional children are learning foreign languages—completely ignoring some of the most essential and basic services to kids in schools, that is, kids who are disadvantaged, kids who need those additional remedial services to help them with their language and other problems.

Because the member for Woodridge has those sorts of problems within his electorate, one can almost guarantee that, because of the way in which the Department of Education operates, right across the State every electorate would have a similar shortage of remedial teachers in schools. From speaking to members on this side of the House, I understand that that is the case. The only sector from which we do not have an acknowledgment that that is the case is Government members, other than the member for Woodridge. Everyone else on the Government side thinks that things are going quite swimmingly; yet almost half the House recognises that there is a dramatic shortage of remedial teachers within our State school system.

Another area I want to address is the very real shortage of speech therapists within our schools. This matter was raised during the Estimates debate on the Department of Education, and it was raised recently by parents of a child at a school on the Gold Coast. The Musgrave Hill Special Education Development Unit caters for some 54 children with speech and language problems. Some years ago, they had only 26 children at that unit. Today, they have the same level of speech therapy services as they had for 26 children. Despite a doubling of enrolments, there has been no increase in speech therapists' services to those children. In fact, I believe that there are fewer than 20 children actually on a program. Some are being monitored, but some received no therapy services in the previous 12 months. That is an essential service that this Government is surely neglecting, when children who are disadvantaged cannot get the services they need. This Government is spending tens of millions of dollars a year trying to teach foreign languages to primary school children, yet children in those classes have special needs, and whether they need remedial teachers or special speech therapists they simply cannot get those essential services.

Where is the priority of this Government, which travels the length and breadth of Queensland chanting mantras about equity and social justice? Where is the social justice or equity in that? There is absolutely none at all when children from disadvantaged backgrounds—whom those people on the other side of the House profess to represent— cannot get the services they need.

When that sort of endemic neglect exists, those children find themselves trapped in a cycle of disadvantage. Because they cannot raise their level of numeracy and literacy skills, their opportunities for gaining worthwhile employment are significantly decreased. Without those extra services, that mob on the other side of the House are condemning their own constituency to an even worse fate than they faced under the previous Government. That is the hypocrisy that that mob represents.

Well may the Minister lower his head in shame, because he has plenty to be ashamed of. Despite the extra millions of dollars that have been pumped into education over the past four years, those very children who need it the most are not getting the service. In fact, as the member for Woodridge knows, in many areas such as Musgrave Hill they are going backwards. If the Government cannot assist the children who need desperately that sort of service, it is a Government with no heart, no soul. It is simply creating a permanent underclass of disadvantaged people who are unable to gain employment and who find themselves trapped by their circumstances.

I will move on very quickly to a couple of other issues. I have already mentioned class sizes and the recent survey conducted by the Department of Education with regard to the number of oversized classes in Queensland. Interestingly, the level of oversized classes is almost at the same level that it was when this Government came to power. So all that those extra millions of dollars spent on extra teachers have done is keep pace with the additional enrolments in State schools; there has been no decrease in class sizes. In fact, the class sizes are roughly about the same.

Of course, last time we had this debate we mentioned the phantom teachers. One of the great hoaxes perpetrated by the Minister and his Government is that they have employed some 1 600 extra teachers. When one goes through the employment records of the Department of Education, one can find only 1 150—450 phantoms are on their books. The Government has tried to convince the people of Queensland that those phantoms are real teachers.

In the last couple of minutes that I have available to me, I would like to address the reason why this has occurred in Queensland. The reason is that when Government members came to office they had no education policy other than, "We will spend more money." They had no idea of the priorities. They had some vague notion about glamorous computer projects and glamorous ideas about introducing foreign languages into schools, but they had no idea of what were the basic essentials. They criticised the Government of the day; that is how they tried to formulate their policies. The proof of that is in the *Hansard* records. If one looks at those, one can work out how many questions members opposite asked about education when they were

in Opposition between 1985 and 1989. In those four years, the then Opposition asked 55 questions—about 14 questions regarding education per year. In the four years that we have been in Opposition, we have asked 178 questions. That is more than three times the number of questions on education than that lot opposite asked when they were in Opposition.

Dr Watson: Who was the shadow Minister then?

Mr QUINN: I believe that it was Mr Braddy in his dying days in that position. I cannot remember; they had a veritable plethora of them over those four years. They could not settle on anyone because no-one had the expertise to stand up and criticise or debate education. They had no idea; all they wanted to do was spend extra money.

I will refer to other statistics in relation to speeches during Matters of Public Interest debates because they, too, are illuminating. In the four years from 1985 to 1989, Labor members made three speeches on education in the MPI debates—less than one a year. That was the total sum of their contribution towards education policy in this State. Members of the Liberal and National Parties made 24 speeches on the subject. We out-gunned them eight to one. In Adjournment debates over that four years, members of the Labor Party made 10 speeches on education. Over the same period, members of the Liberal and National Parties delivered 46 speeches on the subject in the Adjournment debates. So by whatever measure one wants to use, we have at least contributed to the education debate in this State. That is evident from the statistics.

Time expired.

Hon. P. COMBEN (Kedron—Minister for Education) (4.25 p.m.): In relation to the comments that were just made by Mr Quinn in an endeavour to prove—as far as I can understand the argument—that the members opposite are better in Opposition than we were, I have to say quite robustly that we on this side of the House are quite content that he win that debate and we are quite content to see him remain on the Opposition side for as long as he wishes. It seems to me also that an argument based on comparisons between the present shadow spokesperson for Education and the former Opposition spokesperson is somehow an argument to justify one's own self, one's own commitment and one's own position to other members of one's back bench or shadow Ministry. I wonder why the member is mentioning such statistics. None of those statistics prove anything about the education debate. They are not the sort of points that I——

Mr Quinn: They prove that you didn't know what you were doing in Opposition. All you wanted to do was spend money. You had no idea what the issues of the day were.

Mr COMBEN: What it proves is absolutely irrelevant to today's issues, but it is very relevant to the member's own performance in his shadow portfolio. I wonder which audience he is addressing by saying, "I have asked more questions and I have made more MPI speeches than the former Opposition spokesperson." I am interested in who is Mr Quinn's real audience.

Mr Lingard interjected.

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

Mr Lingard: It was a good question.

Mr SPEAKER: Order! I do not think so. I warn the member under Standing Order 123A. I am not going to take that from the member.

Mr COMBEN: Returning to the debate at hand—the letter proposing the discussion is really saying that there is underfunding and a failure by the Government to deliver adequate, essential services to Queenslanders, particularly in health, education and law and order. It is just a rehashing of the standard, tired questions that we get in the Matter of Special Public Importance debates. It is not even anything novel. Where is the question from the Opposition to me about the 1 500 university places, if that is what the members opposite want? We have had that debate. Where is the debate about the amount that is being spent on education for special needs students, behaviour management or enterprise bargaining—the issues of the day that I am not scared to stand up in this place to debate? Instead, it is a widely generalised debate so that members opposite can talk about anything.

Mr Hayward: I don't think they could find three speakers for the one topic.

Mr COMBEN: That would be true. Their research and their own personal commitment to being part of the policy debate and the development of policy in this State is absolutely non-existent. It is unfortunate——

Mr Lingard: Tell us why kids need three periods of language in Years 6 and 7.

Mr COMBEN: One day, will the honourable member please tell me why when he stands in this place he never takes an interjection? He just stands there like a rubbed sore, with a smarmy smile, getting under people's skin. When he answers that question——

A Government member: That is his talent.

Mr COMBEN: That is his talent; that is his style. He never takes an interjection, but he always wants to go in to big-note himself. I say to the Liberal candidates in the gallery that, if one day they are unfortunate enough to sit with the rabble opposite, they should never sit next to Mr Lingard, or they will see what I mean.

I return to the debate at hand. I appreciate the comments made by the shadow spokesperson in acknowledging that some funds have been used in appropriate ways. Those funds have been spent on things that are needed. The member talked about things that were in some way electorally popular. He talked about the computer program. The computer program is no longer a popular program; it is an essential program. There is some confusion about what are the essential parts of education. In fact, I would have termed the things that Mr Quinn referred to as being essential as being specialised services. The essentials of education are a teacher in a classroom with modern technology, because that is a basic of education today, and the other matters that the member spoke about, the good refurbishment programs, etc., are essentials. He then moved on to some specialised areas that also need funding but which are not the essentials. All things in education could be termed essential, but some things are more specialised.

Just a few months ago, this Parliament approved the 1994-95 Education budget allocation of $2.41 billion, representing a $60m increase over the 1993-94 budget allocation of $2.35 billion. This is the fifth consecutive year in which the funding provided to education has increased. The total increase in the education allocation from 1989 to this year is $700m, or 40 per cent. Where is that money going? It is going into 23 800 classrooms in 1 700 schools around the State. Sure, some of it—in fact, almost half of it—is going into the pockets of teachers, but that is part of the process of ensuring that Queensland's students have the best teachers. If we are not prepared to pay teachers a fair wage, we will lose them, and that is clearly not in the best interests of the students.

In terms of what the Budget increase means to Queensland students, the Queensland Government is spending $1,000 more per student per school year on education than was allocated by the previous Government. This is even more significant when one considers the increased number of students in Queensland. I am saying that there is an increase in absolute terms. In 1989, there were 551 000 students. Today, there are 586 000. There is a very simple reason why education is the Goss Government's single largest expenditure item: it cares about kids and the future of the State. We want Queensland students to have the best education possible so that they have the knowledge, the skills and the abilities to compete with anyone anywhere in the world.

The Government is working closely with the community to achieve that goal. Examples of this cooperation are actually more numerous than I have time to detail today. However, there are a number of key examples that I would like to point out. In doing so, I want to focus very clearly on the classroom itself and on the physical improvements in schools, which our students touch and see every day. They are the reforms that have quite clearly improved the quality of education: the capital works, the School Refurbishment Scheme, school grants, the Helping P & Cs With the Basics Scheme, a new focus on computers and a higher quality education system.

I refer firstly to school buildings and facilities. High-quality facilities are an essential part of providing Queensland students with the best learning environment in the country. Since 1989, this Government has been committed to an ambitious Capital Works Program in order to keep up the massive growth, which continues to occur in some regions of the State. Under this Government, over $760m will have been spent on new schools and school buildings by the end of this financial year. Since 1990, the Government has opened 33 new schools, that is, 20 primary, 11 secondary and two special schools, with another four preschools and primary schools and one secondary school to be open at the commencement of 1995.

That means that, at a local level in terms of refurbishment, in Surfers Paradise, the seat of the Leader of the Opposition, $350,000 has been spent; in Merrimac, my opposite number's seat, $319,000 has been spent on schools, and in Caloundra, the seat of the Liberal Party Leader, $207,000 has been spent. So if Opposition members want to say that money is not being well spent, they should go to the schools and say that.

School grants provide money to schools for recurrent costs. Those grants have rocketed from $25m in 1989 to $68m in 1994. At a local level, grants to schools in Surfers Paradise have gone up from $174,000 in 1989 to $452,000 in 1994; in Merrimac, they have increased from $195,000 in 1989 to $639,000 in 1994, and in Caloundra, they have increased from $214,000 to $746,000. Overall, that is an increase of 172 per cent. That increase in those grants has delivered real improvements at a school level.

I refer now to computers, which are part of the basic approach to education. In fact, they are the new basic in education. They are expanding

Queensland's students' educational horizons and improving their job prospects. However, they also cost dollars. In Surfers Paradise, this Government has spent $74,000 on computers; in Merrimac, $38,000, and in Caloundra, $75,000.

Finally, I refer to higher education. Today is a great day for education in Queensland. For the first time in 20 years, the Federal Government has acknowledged the problem that exists and has put some money towards the funding necessary to get rid of the discrepancy and to stop the discrimination against Queensland students. The 500 places promised for the beginning of next year is a step in the right direction, but the extra places that we will be looking for——

Mr Lingard: How many in the universities?

Mr COMBEN: I will not take an interjection from Mr Lingard. When he takes an interjection, I will respond. The $36m capital——

Mr Lingard interjected.

Mr COMBEN: What did the member say?

Mr Lingard: I can never understand your interjections.

Mr COMBEN: I take that interjection.

Time expired.

Mr HORAN (Toowoomba South) (4.35 p.m.): The failure of the Goss Government to deliver basic hospital and health services is hitting every Queensland community. Queenslanders are now realising the real disaster of the Goss Government's policies, the Health Minister's mismanagement and Treasurer's throwing away of hundreds of millions of taxpayers' money without even checking where it is going. What blatant waste! Who suffers? The ordinary Queenslander who once had confidence in the health system under the Nationals and the Liberals.

Where has all this money gone? The Health Department has a $2.4 billion budget— an $800m increase from $1.6 billion to $2.4 billion over the last four Budgets. Both the Premier and the Treasurer have boasted about a $1 billion increase from the 1988-89 Budget. Last week, the Premier was confused over what was operational and what was capital funding. Only $85m a year is extra capital works funds from the smokers' tax in the $150m a year of capital works funding that we see now. However, last year the Government spent only $48m of that $150m on hospitals. This year, only $75m of the capital works money is available to be spent on hospitals. This year, $158m extra in the Health budget is all operational funds, so where has the money gone?

Every hospital in Queensland received a smaller budget than it needed and lower than the amount it spent last year. For example, the Royal Brisbane Hospital is down $13.5m from its previous budget and the Royal Children's Hospital is down $3.5m. Last week, the Minister could not answer a question about the $2.4 billion budget, of which $1.8 billion goes to the regional health authorities leaving, after capital works expenditure, $450m. What is this money for? The Minister did not have a clue.

Why are hospital budgets reduced when demand is growing and the overall Health budget is up? Why does the Government continue to rip the productivity dividend tax out of Queensland's hospitals when beds are being shut down? Why is the Government spending six-figure amounts on TV cover-ups of the Health mismanagement crisis while whole wards are closed—90 beds shut at the RBH—theatres are shut down and surgery cancelled? Why is the Government still cutting $30m from basic hospitals services such as cleaning, catering and wardsmen? Why has the Government borrowed against hoped-for Medicare Pool B funding when it just received Medicare Pool B of $27m in June? The next funding was due in June. What does the Government do next June? Borrow again, but this time for two years?

The hoax of the memorandum of cooperation was only a cover-up for enterprise bargaining. Only 70 per cent of the enterprise bargaining wage increase is funded, and that will mean only one thing: more closed wards, more service cuts and more unfunded wage rises.

At the heart of the health system are the flagships of the public hospital system, the major tertiary hospitals such as the Royal Brisbane Hospital and the PA Hospital, which serve not only Brisbane but also the entire State with specialist services that are not available elsewhere. However, the Royal Brisbane Hospital has been consumed by a bitter bureaucratic takeover, which will see the Brisbane North Health Authority take over control and management of the Royal Brisbane, the Royal Children's, the Royal Women's and the Prince Charles Hospitals. Included in this takeover will be a strategic support unit of some 20 officers—AO8 officers at about $50,000 salary each—to coerce people into their way of thinking despite the fact that everybody at the hospital from top to bottom disagrees with this bureaucratic takeover.

However, while this diversion is taking place, 300 beds have closed already. This week alone, 90 beds were closed, and by Christmas, another five wards—170 beds—will close as this bureaucratic takeover and decimation of services

takes place over the Christmas/new year period. Just last Thursday, six elderly people waited all day for admission and after 5 o'clock they were sent home because there were no beds available. However, that same day the hospital was closing down 90 beds. One old fellow from Bundaberg had nowhere to stay in Brisbane and the hospital had to find him a bed on a veranda. One lady had her daughter come down from Moranbah to assist her after she had had her operation. She had to drive home.

The Royal Brisbane Hospital needs a 9 100 bed day increase in the next seven months to be eligible for Medicare Pool B, which the Minister has borrowed against. That hospital has just closed 90 beds, and it is going to close another 150 by Christmas. Ninety beds equals 8 000 patients a year. Where will those people go? The hospital is now refusing patients from other parts of Queensland, so effectively the public hospital system we knew is non-existent. Cleaning services have been reduced, so what is going to happen with golden staph?

In the area of dentistry, we are 50 dentists short. Waiting lists span one to three years. Most clinics are available for emergency services only, and people wait for hours for that treatment. School services throughout the State have been cut from a visit by a dentist once every year to now only one visit every two years.

In the area of social justice and equity, Biala has been destroyed as a service for alcohol and drug addicts. The Wacol Rehabilitation Centre has been closed down. What happens now to these unfortunate people? The Royal Children's Hospital cannot even open its oncology outpatients clinic owing to lack of operational funds. It had a $3.5m cut in its operational budget. That hospital is looking at theatre closures, bed closures and reductions in regional children's services such as the cystic fibrosis service.

Just yesterday at the Princess Alexandra Hospital, we saw a rally of over 100 medical and scientific staff. Just two months ago, we saw public rallies of all the staff at that hospital. Four of the 13 theatres at the Princess Alexandra Hospital have been closed. However, on top of that, three operating lists are cancelled every morning and another three every afternoon. There have been a total of 750 cancellations in the past four months on top of the four theatres that have been shut down. What effect will those shutdowns have on waiting lists?

Dangerous, crowded conditions in Accident and Emergency have still not been attended to. There have been resignations in Radiology because of the conditions in that department. The Minister continues to refuse to visit the hospital and see at first-hand the problems. There are good, experienced nursing staff leaving in droves because of the understaffing at PA, RBH and at other hospitals. A report on why the nurses are going from PA has been hushed up and covered up. Of the two pain clinics at PA, one has been shut down; the other is about to close. Patients from Ipswich and Logan who get sent to the PA, because they cannot be treated at those hospitals or they are full, are being sent on from PA to RBH, because the PA does not have the beds or staff. But RBH is closing down hundreds of beds. So where will they go? It is a story of whole wards, beds and theatres closed, elective surgery cancelled, maintenance reduced, and a $1.5m cut in their support services.

In Toowoomba, Brisbane and Bundaberg, there have been savage reductions in home and community care. The Gold Coast Hospital has had a $4m blow-out in its budget. This week, that hospital alone is considering theatre list cancellations to save money. It, too, recently had a ward closed down. At the Toowoomba Hospital, beds have been closed in the important medical ward. The outpatients physiotherapy service has been shut down. There are no general outpatients at Toowoomba, so when outpatients come in for physiotherapy they are now turned away as well.

Patients swelter in the Accident and Emergency because the Government has not installed the airconditioning service that it promised would be put in there at some stage. Last year, $5,000 worth of heat-damaged drugs were thrown out from that section. But the worst cash crisis is in north Queensland, where the Tablelands section is estimated to be $1m over budget. It has no money to cover long service leave replacements. It has nowhere for patients to go, and it is considering eight weeks' cutbacks in elective surgery just to cover this cash crisis.

Tully, Babinda and Innisfail are $450,000 under last year's budget. Maryborough is desperately short of surgeons and anaesthetists. Mackay Hospital is well over budget after the first three months. Surgery cancellations are the result. People in Cairns and Townsville are waiting years for eye surgery or urology services, but they cannot be sent to the Royal Brisbane Hospital any more under the patient transit scheme, because it is shutting down beds and reducing services.

The Opposition has warned of the systematic destruction by the Goss Government of our once great and proud hospital system. But now the safety net has gone and everybody can see that it has gone. But honourable members should not just listen to the hospital workers who

are telling us weekly and daily that they will never vote for Labor again; they should read what is in the newspapers. I quote from the editorial of the *Tablelander* of 15 November, which I now table. That article states—

> "Atherton Hospital problems are only a microcosm of those which the State Government has caused throughout Queensland.
>
> Since the Goss Government came to power it has progressively proven its inability to handle monetary and management practicalities.
>
> Upon ascension to power, it ruthlessly dismantled the old system of hospital, fire and ambulance boards which had worked so efficiently.
>
> In its place we have a centralised control mechanism which is proving continuously disastrous.
>
> The record shows huge spending on middle management positions with the setting up of regional bureaucracies but a corresponding dearth of basic services.
>
> With hospitals, it embarked on a major capital outlay programme across Queensland which includes widespread upgrading. But, unfortunately, it has unsatisfactorily budgeted the funds needed to smoothly run the hospitals and clinics.
>
> Therefore, recent revelations that Atherton Hospital is facing a cash crisis which may result in staff cutbacks and a reduction in elective surgery do not come as a surprise. Surely, any blame on budget blow-out must be placed with the State Government.
>
> . . .
>
> Spending available funds on basic services is far more preferable to wastage on ineffective administration."

When a ground swell of public knowledge of failure starts, it cannot be stopped. Everyone knows that the safety net of our once great system has gone. Everyone knows that they are paying more taxes and charges. The Health budget has $1 billion extra per year. But where has the money gone? The Goss Government stands exposed for its wastage of billions of dollars of taxpayers' hard-earned money, for its blatant wastage of millions on bureaucracy and public relations in an attempt to hold Government. What really counts is value for money.

The National/Liberal coalition has the policies, the practical plan, the understanding and the ability to deliver a hospital and health system that provides staff and service. The people of Queensland and the staff of our health system know now that, if we want real service, real value and real care, then the waste and mismanagement of the Goss Government must be ruthlessly thrown out and replaced by a National/Liberal coalition. Only a National/Liberal coalition Government can save, can restore and can rebuild our once great hospital system.

Hon. K. W. HAYWARD (Kallangur—Minister for Health) (4.45 p.m.): It is a great pleasure for me to speak in this debate this afternoon. The honourable member for Toowoomba South referred to the source of his information—that is, newspaper articles. He referred to the once great and powerful hospital system. I have a newspaper article from February 1989—during the Opposition's time in Government—which is headed "A bad State of Health". What does it say about what the honourable member referred to as the once great and powerful hospital system?

The honourable member told us that, when we see something in a newspaper article, it is true and we have to believe it. So I will point out what this newspaper article from February 1989 said. It stated—

> "From the public's point of view the more serious allegations are those concerning second-rate facilities and 'Mickey Mouse emergency services' in Queensland's public hospitals."

So we will be able to deal with that, because the honourable member made a reference to that while he was speaking. The article goes on to say—

> "All the State's hospitals are administered from Brisbane. Complaints of a crippling bureaucracy—where, for example, a Cairns hospital must have Charlotte Street's approval before hiring a domestic—are rife."

What this article said under the title "A bad State of Health" in February 1989 was—

> "The Health Department, say doctors, nurses and others who work closely with it, is sick."

So when the honourable member said that the health system was good under the Nationals, he was clearly wrong. We could go on with this sort of thing. In this article is a precise and objective assessment of just how poorly serviced the health needs of the people of Queensland were under the previous National and National/Liberal Governments.

What we inherited was a picture of despair. This afternoon, we heard pathetic blame shifting and bleating from the honourable member that

the Goss Government has been responsible for destroying—to use his words—the once great Queensland public hospital system. This is what we inherited and this is what we are now developing into a magnificent public hospital system in this State.

This Government is engaged in the most significant reform, refurbishment and reconstruction of the public health system in over 30 years. Our free health system is part of the Queensland cultural landscape. People expect it, and they expect that their basic health needs will be met through the public health system. I think that is a reasonable expectation, which is being met in an ever-increasing way through the provision of not only more but also better health services. Not only are there more and better health services being provided, but the services are more appropriate in their range and the locations at which they are available.

We have to compare what happened under the former Government with what happens now. There were fewer nurses and they were paid much less. There was no hospital at Caboolture and there were much smaller hospitals at Nambour and Logan. Honourable members who were there then would remember how the people in Logan had to fight in one of the fastest growing areas of this State to get the then Government—and Mr Lingard was at that stage representing part of that area, and he knows the fight that we had to engage in—to get that hospital commenced in that area.

There was no urology service at Nambour. There was no ophthalmology service at Cairns. There was no cardiac surgery in Queensland outside Brisbane. There was no public magnetic resonance imaging facility outside Brisbane. There was only one fixed and one mobile breast screening unit, whereas now there are eight fixed and three mobile clinics, with more on the way. Where was that one fixed unit? It was in Brisbane at the Royal Brisbane Hospital. Where was the mobile unit? It was at Aspley. So they never went outside of Brisbane.

There were only half as many full-time psychiatrists as there are now. There were run-down mental health facilities. Does anyone need to be reminded of the disgrace, the tragedy, of Ward 10B? Now they have been replaced by new ones in Townsville, Bundaberg, Nambour, the Gold Coast and Toowoomba and, of course, soon in Rockhampton. There was no high school dental program. The then Government did not deliver on it; it was unavailable. The then Government was not interested in it. There was no North Queensland Medical School or network of rural health training units.

Honourable members opposite talk about things such as the Royal Brisbane Hospital and the whole complex—and the honourable member for Toowoomba South spent about four minutes of his speech on this. But the Royal Children's Hospital was falling apart. We all know that it is now one of the most modern hospitals in Australia. The list goes on.

This State Labor Government has put in place the means of redressing the neglect of the public health system and for building new services where they are needed through the $1.5 billion, 10-year hospital rebuilding and re-equipping program. We have also begun to reform many of the processes for the delivery of health services through initiatives such as an increased emphasis on community health centres and primary health care, which focus on health promotion and illness prevention strategies. It has become patently obvious to me that this Opposition is simply not interested in this area, even though the policy that it took to the last election emphasised a commitment towards these strategies.

Members opposite seem to be proposing that, if it needs to be done, it has to be done in a hospital. They suggest that the Government cannot promote or encourage people to live healthier lifestyles; it cannot engage in illness-prevention strategies, even with the increased emphasis on community care. This is an important point, and the honourable member should understand it. This year, the Queensland public hospital system will treat an estimated total of 590 000 patients through that system. That figure compares with a figure of 387 000 when the National Party was in power. We are talking about a massive increase of nearly 36 per cent over that five-year period.

This Government is delivering services where people actually live. At the end of this year on the Sunshine Coast, there will have been an increase in the number of patients treated since 1989-90 of over 81 per cent. That is an enormous increase. It means that people who live at Noosa and Maroochydore can be treated in the community in which they live. On the south coast, there will have been an increase of 60 per cent. In the Brisbane south region, which takes in the area around Logan, we are talking about an increase of nearly 54 per cent over those five years.

Our policy is clear and it is in place. It is about delivering services where people actually live. The level of growth in service provision has been massive. But let us not kid ourselves. There are enormous challenges in managing rates of growth of that magnitude—challenges that relate to how much money we spend, where we spend

it and what we spend it on. We are all faced with an enormous challenge from the growth of high-cost technology and high-cost health procedures. Of course, the result of that has been shorter bed stays, reduced numbers of beds being needed to treat people and an increase in the amount of day surgery that is being performed. At the Nambour Hospital, over 50 per cent of the elective surgery carried out is done on a day-only basis. Over 30 per cent of all surgical procedures at the Nambour Hospital are done on a day-only basis.

One can talk about the growth in technology, and it is important and we must acknowledge it. The challenge is to provide services as near as possible to where people live. In relative terms, Queensland's population is moving away from areas in which our health infrastructure is located. Historically, we spent the biggest chunks of our Health budget in the centre of Brisbane, yet the areas of growth are on the city fringes, the Sunshine Coast, the Gold Coast and up the coast of Queensland. What did the honourable member talk about? He concentrated on how we need to maintain and build up the services in the centre of Brisbane. One would find that perspective possible to argue if the party of which Mr Horan is a member did not represent people outside Brisbane. That is one amazing feature about the argument that the member presented.

We must provide services where people live, and we must be prepared to look at ways of relocating some of the overly concentrated health resources. That is why in years to come the number of beds at major inner-city hospitals will gradually be reduced as part of the complete redevelopment of those campuses. The Royal Brisbane and the Princess Alexandra Hospitals will be smaller in their redeveloped form and their bed numbers will decrease. They will become focused on high technology—the tertiary services that they should provide, that they have provided and that they are very good at providing. The less acute procedures will be able to be carried out in the expansion hospitals such as Nambour, Logan, Caboolture, Redlands—the places where people actually live.

This debate is about a spurious claim that the Government has failed to deliver adequate essential services. The biggest failure at present in considering health issues in Queensland is the Opposition's failure to produce a health policy. I have called on the Opposition many times to release its health policy, and each time the answer has been deathly silence. The Opposition is forfeiting any claim to be part of the public health debate in this State.

Mr SPEAKER: Order! The time allotted for the Matter of Special Public Importance debate has now expired.

NATIVE TITLE (QUEENSLAND) AMENDMENT BILL

Second Reading

Debate resumed from 16 November (see p. 10416).

Mr HOBBS (Warrego) (4.55 p.m.): It is my pleasure to speak to the Native Title (Queensland) Amendment Bill. This Bill is one of the most ridiculous to come before this House. The extent of its inadequacies and the waste of the Parliament's time that it represents provide an opportunity to detail to the people of Queensland the extent of the deceit and the extent of the incompetence of the Premier and his Government concerning one of the most significant topics that they have had to deal with in the public administration of this State. I refer, of course, to the consequences of the Mabo decision of the High Court of June 1992.

Honourable members should understand clearly what we have before us. We are confronted with a Bill to amend an unproclaimed Act that was passed with allegedly great urgency almost a year ago to mimic a then undebated Federal Bill. The basis for that extraordinarily back-to-front approach in November and December last year was said at the time to have been the need for great urgency in delivering certainty in relation to land tenure and land dealings in Queensland as a result of the High Court's Mabo decision. Some urgency!

Almost a year after that urgent debate, we finally have the amendments that were inevitably going to have to be brought forward to deal with the changes that, equally inevitably, were going to occur to the Commonwealth Bill in its passage and which did occur before the Commonwealth Native Title Act gained assent on Christmas Eve 1993. Through all the meanwhile, in contradiction again of that alleged urgency 12 months ago, the Native Title (Queensland) Bill, rushed through this Parliament urgently almost 12 months ago, remains unproclaimed in all but name. What urgency, and what a farce!

We were rushed in here to debate a Bill last Christmas to reflect an undebated Federal Bill to which great urgency allegedly attached, yet here we are a year on and the uncertainty attaching to land tenure and to land dealings continues. I am sorry to say that the next chapter is just as silly, because the amendments before us in this Bill advance the whole matter very little. What we have before us are, for the most part, simply the

belated arrival in the House of the changes required to bring the unproclaimed Native Title (Queensland) Act in line with the changes that occurred as the Commonwealth draft Bill was debated in the Federal Parliament.

Extraordinarily, even if all the amendments before us today are passed, and clearly the Government has the capacity to push them through, their passage will not—I repeat "their passage will not"—bring the unproclaimed Queensland legislation into a fit state to be proclaimed. That represents an absolutely extraordinary waste of this Parliament's time.

Mr Smith: Why?

Mr HOBBS: Because the legislation has not even been proclaimed and is unlikely to be proclaimed, and the Minister knows it.

If we are going to deal with amendments to this unproclaimed Act, then we should be doing so in a manner which will at least make it operative. I believe that the Parliament deserves that much respect from the Government. We should have before us all the amendments required to make the Act effective instead of facing the inevitability that we will have to revisit the Act again.

What is lacking in this amending legislation and what ensures that we will have to come back to it before it can be proclaimed is the lack of remedies for the major concerns the Government itself identified in the then draft Commonwealth Bill, all of which remained in place in the Native Title Act as it emerged from the Federal Parliament. These concerns, expressed by the Premier when he brought his Native Title (Queensland) Bill to the Parliament with such great urgency almost 12 months ago, deserve particular consideration, because they highlight and they underscore the farcical nature of what we are doing here now. The Premier indicated at that time that he would not countenance the proclamation of his Act until he had satisfactory outcomes in relation to his major reservations. His performance in resolving them—or, rather, in failing to resolve them—is therefore central to the ongoing farce that this whole process continues to represent, from its extraordinary beginnings to this equally extraordinary amending Bill.

The Premier's reservations were—unless he has decided to roll over on these four matters with the same alacrity he has shown on Hinchinbrook—and still are, firstly, that the Commonwealth must accept responsibility for that greatest of Mabo unknowns, the compensation bill, before the Native Title Act would receive the support of the Queensland Government. Secondly, the Commonwealth must vary the regime whereby even minor mining tenures, such as exploration permits, are to be subject to the right to negotiate. Thirdly, the Commonwealth would have to reject the proposal that pastoral leases owned by Aboriginal people could be converted to native title, because of the threat this clearly posed to the pastoral industry. Fourthly, that there needed to be rejection by the Commonwealth of the situation whereby Governments were required to either compulsorily acquire, or otherwise negotiate, in relation to native title rights that might apply on Crown lands set aside for a public purpose.

This last situation had to be disposed of because it could, and indeed has, caused substantial delays in capital works programs. And it is on this point of the failure of the Premier to achieve a resolution of these issues—in keeping with the Government's caveats—that the silly nonsense of the Premier's claim to be on top of this issue becomes high farce. Because what do we see in the unproclaimed Native Title (Queensland) Act in name only—each and every one of the Premier's major reservations enshrined! They are not only in the Federal Native Title Act, but in his own Act in name only. It is absolutely incredible!

The Premier said a major reservation in relation to the Native Title Act was the fact that the Commonwealth wanted the States to carry the burden of responsibility for compensation. The Premier demanded the Commonwealth accept responsibility. So what did he do in this House 12 months ago? He faithfully reflected, in his own legislation, the provisions of the Federal Act which put the onus squarely upon the States. He agreed that the Queensland taxpayer should pay compensation which could run into tens of millions of dollars. It could be hundreds of millions of dollars—who knows! Certainly not the Premier! But we, the taxpayers, can pay it. He put it in his legislation.

He said another major reservation was that he did not want pastoral leases purchased by Aboriginal people to be capable of conversion to native title, because that could chip away, region by region, at the viability of the pastoral industry. So what did he do on that point? Did he rebel in his own legislation? Did he give the Prime Minister an indication he was serious by varying the formula in his own legislation to seek to protect the Queensland pastoral industry? Did he throw down the gauntlet to Paul Keating on behalf of Queensland's graziers? No, he did not. He rolled over! He put in his Act what was in the Federal Act, namely, that Aboriginal people could convert pastoral leases they owned to native title. And he did exactly the same with his

concern about Crown land as it relates to native title and public works. He said he wanted the regime requiring compulsory acquisition, or negotiation, but he faithfully reflected in his own Native Title Act the provisions in the Commonwealth Act which established that regime.

What a negotiating position to take to Paul Keating. "Paul, I'm not going to enact my Mabo Bill until you give in on four major concerns. Please ignore the fact, Mr Prime Minister, that I've shot myself in the foot by putting them in my Act, too." It is absolutely incredible!

So today was the Premier's third chance to stand up for Queensland. He missed his chance 12 months ago. He decided that, rather than take the Prime Minister on over his concerns, he would simply enshrine them in his own Act. He has then obviously failed in his cunning fall-back position, which was to negotiate with Paul Keating, having tied both his hands behind his back. So here was the third chance, in these amendments, to make up for his past lapses, and throw down the gauntlet. As silly as it would have made him look in relation to his cunning plan of 12 months ago, he could have in these amendments finally given Keating two to the valley on behalf of Queenslanders. He could have said, and he should have said, "If you're not prepared to deal with the topic in this way, then back off." He could have changed his own legislation at this sitting in a manner that would have declared he would no longer agree to the imposition on the taxpayers of Queensland of responsibility for the unknown, but inevitably massive, compensation Bill.

Mr Smith: Are you aware that both Victoria and New South Wales are proceeding with or have already put in place identical legislation?

Mr HOBBS: We are talking about Queensland at the moment. We have vastly different interests up here in Queensland and a vastly different situation. The Minister knows as well as I do that this legislation is not going to resolve the matter. We will be back here debating further changes to this legislation in the very near future.

Mr BENNETT: I rise to a point of order. I take offence at that because of the fact that there are only two National Party members in the House and no Liberal Party members. That is how interested they are in this Native Title Bill.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! There is no point of order. The Chair considers that to be a frivolous point of order. The member will resume his seat.

Mr HOBBS: We cannot expect much more from people from Gladstone.

The Premier could have rebelled against the current provisions of the Native Title Act and the Native Title (Queensland) Act which lock him into support for the proposition that pastoral land owned by Aborigines can be converted to native title, at potentially great cost to the Queensland pastoral industry. He could have declared he would no longer support his own legislation, which ties the Queensland Government into imposing on the mining industry the Commonwealth edict that even mining exploration permits are open to the right to negotiate, which is just one of many factors threatening to throttle mining investment in this State as a result of Mabo.

Mr Smith: This sounds like the sort of rubbish that Mr Borbidge might say.

Mr HOBBS: I think the Minister should listen to what is being said here. He might learn something. Then he might be able to get the land laws in this State into a bit of order. Then Queenslanders could live with a bit of security, Aboriginal people in this State could understand exactly what is in store for them and everyone would know exactly where they are coming from. All this Government has done so far is provide everybody with uncertainty—the landowners and the Aboriginals. The only person who does not know what he is doing is the Premier—and he does not have a damned clue.

He could have declared that his Government would no longer support, in its own legislation, the need to negotiate on native title or compulsorily acquire Crown land set aside for a public purpose in order to advance capital works which have been inordinately delayed now by the Mabo process. The Premier has not taken that opportunity.

Only on the mining issue is there a vague indication in these amendments of resistance to the constraints in the Native Title Act on certain mining activity. However, as I say, the amendment dealing with mining is vague and does not begin to address the great raft of concerns in the mining industry in relation to the Native Title Act. If the amendment to section 153 of the Native Title (Queensland) Act is the sum intent of the Government in the whole arena of mining, then it has grossly ignored the scale of the problems confronting future investment in the State in this most important industry. Other speakers will pick up on this issue in greater detail.

The Government's neglect of its major concerns in relation to this legislation can mean only one of a couple of things. It could mean the Premier has capitulated altogether; it could signal that he has done a Hinchinbrook on Mabo, that he has not been able to get anywhere with the

Prime Minister, that it is all too hard, and that he has lost the PR battle and is simply going to roll over. It could mean that he has decided to forget all about his reservations and go along with the Prime Minister as meekly as he has decided to roll over for John Faulkner. Canberra snaps its fingers, and the great Queensland freedom fighter rolls over. That is one highly plausible explanation. The other is that the Premier has decided to do what he does best, which is to throw up a smokescreen suggesting a bit of activity on the topic via these amendments in the hope that the media will accept that he is doing his best. Never mind that it is all done with mirrors. Just create the impression of some action—a sort of legislative variation on the taxpayer-funded $30,000 stamp on a letter to the Federal Environment Minister we saw today—engage in a bit of PR!

There is a third possible explanation, and I would not put it past the Premier to try it on as a variation of Indian rope trick No. 2, as above, that is, that this latest chapter in this farce is mostly about trying to get out from under his involvement in spreading the deliberate untruth about the extent to which pastoral leases are vulnerable to Mabo style native title claim by declaring that he has the answer—the magic wand. That claim, that pastoral leases were absolutely safe from Mabo style claim, was always a deliberate untruth on behalf of which the Premier was one of the chief peddlers of mischief. It got the Premier into some hot water. I think he always knew it would. I do not think he is so dumb that he believed his own publicity on the topic. However, I also think he achieved his goal, which was to keep the pastoral industry quiet during a crucial period of the Mabo debate last year.

Opposition to the Commonwealth's proposed Mabo solution was escalating, and the Premier and the Prime Minister, and a couple of easily deceived souls in the pastoral groups, came to the rescue. I think if graziers knew then what they know now, it is a strong possibility that the Native Title Act would not have been passed. That is exactly what the Premier and the Prime Minister feared, and that is exactly why they then went about deliberately pulling the wool over the eyes of the pastoral industry. But now the Premier needs to mend some fences. So we see here amendments which purport to protect pastoral leases from the threat he denied existed 12 months ago, and the absolute nonsense of that approach deserves to be exposed for the continuation of the con that it is.

Mr Smith: Mr Hobbs, this does not sound like you.

Mr HOBBS: It is exactly what is happening out there, and the Minister knows that as well as I do.

In the first instance, the Premier vowed and declared that there was no threat to pastoral leases under Mabo. He said there was a general legal consensus that pastoral leases were safe. He knows that they are not. There was, and there is, no such consensus, of course, and the proof of the pudding is in the eating. Thousands of hectares of pastoral leases in this State are under claim. The fact is that nothing this Government can do can vary that. It cannot stop it.

Mr Smith interjected.

Mr HOBBS: It is a pretty big one. It is a damned big one.

The bottom line is that the issue as to whether or not a pastoral lease extinguishes native title is now alive before the common law. The Premier can say what he likes in this legislation; it means nothing. The issue of whether or not pastoral leases extinguish native title is alive before the national Native Title Tribunal. It is alive before the Federal Court. It will inevitably end up before the High Court, and it will go there at least once—at the very least, once. So the fact is that nothing—absolutely nothing—this Government does by way of impotent declaration can change that.

The cat, in relation to pastoral leases, is well and truly out of the bag—as it was always going to be—in the light of any sensible appraisal of the Mabo judgment. The Premier stands condemned today for his deliberately deceitful con job on the pastoral industry—both at the time of his effort with Messrs Keating and Farley—to pull the wool over pastoralists' eyes to protect the Mabo process, going into last Christmas, and his blatantly lame effort now to get out from under with this impotent amendment.

Now, let me make something perfectly clear on behalf of the Opposition. In taking the only honest position available in relation to the threat to pastoral leases—which is that the threat is real, as the Premier has belatedly admitted—I do not presume, as the Premier does, to suggest the outcome. The Premier consistently accused us of scaremongering on the topic. Obviously, it is now clear that we were not. It is clear that we were right. I can assure every honourable member that I do not want to see one successful claim against a pastoral lease in this country. But the plain and simple fact is that the threat is there—and it will be there, probably, for many years to come—particularly if the issue has to go to the High Court more than once. If that is the case, we could be 10 or even 15 years from

certainty—whatever that certainty might ultimately be.

Another bottom line is that nobody, least of all the suburban solicitor opposite, who claims to have been blind to the inevitability of the test case route, is in a position to now pre-judge the High Court, particularly when we will see at least one potentially crucial change to the High Court bench in the next 12 months as a result of the pending retirement of the Chief Justice.

The pastoral industry, this House and, through it, the people of Queensland deserve at last to hear an honest appraisal of just how wrong the Premier got it on this point. I intend to go through the issue now in some detail to show just how transparent was the con he sought to perpetrate and, I believe, still seeks to perpetrate via the impotent amendments he now sells as some panacea for the problem he denied ever existed.

So let us look at how the Premier sold his snake oil. The myth he relied on was the myth that he so determinedly helped establish, which is that the High Court is alleged to have found, conclusively—and without reservation— that a pastoral lease extinguished native title, full stop. Rubbish—absolute rubbish! A variety of views were expressed on the topic of the potential impact of native title on pastoral leases in the High Court judgments.

It should be first borne in mind that we have effectively at least four opinions on the matter in the High Court's ruling on an issue which was largely peripheral to the core issues under consideration. The most detailed was contained in the judgment of Brennan J, who had the support of the Chief Justice and Mr Justice McHugh.

Great reliance is placed by the Premier and his supporters on one point in Brennan J's nine-point summary of what he believes to be the common law of Australia with reference to land titles. Point four of that summary, which is found at page 59 of his judgment, says—

> "Where the Crown has validly alienated land by granting an interest that is wholly or partially inconsistent with a continuing right to enjoy native title, native title is extinguished to the extent of the inconsistency. Thus native title is extinguished by grants of estates of freehold or of leasehold but not necessarily by the grant of lesser interests (e.g., authorities to prospect for minerals.)"

In addition to this point, the Premier and company also cite the views of Deane J and Gaudron J, and an important paragraph in their judgment is usually paraphrased into a claim that those judges indicated that native title was extinguished by any form of grant which gave exclusive possession. In fact, at page 101 of their judgment the justices said—

> "The personal rights conferred by common law native title do not constitute an estate or interest in the land itself. They are extinguished by an unqualified grant of an inconsistent estate in the land by the Crown, such as a grant in fee or a lease conferring exclusive possession."

It is claimed by the Premier in official correspondence that Dawson J took a similar view. I do not know that "similar" is a fair description at all of what he said. What Dawson J held was, in fact, that native title, if it ever existed, disappeared as soon as the British Crown achieved sovereignty in Australia. That is a markedly different interpretation. In any event, these elements of the various judgments are held to be the key to what the Premier put forward as an infallible interpretation—with the help of the Prime Minister and a few others—that pastoral leases absolutely and totally extinguished native title. Of course, there was always considerable doubt among those many people who simply noted the heavy qualifications, even in Brennan's allegedly unambiguous comments, and linked them to what was known of the arguments likely to be put forward by land rights activists. The judges spoke about the need, for instance, for grants to be "unqualified"—a key word as we go on.

They spoke about the fact that the exercise of native title had to be considered inconsistent with the tenure before native title would be extinguished, and then it was only extinguished to the extent of the inconsistency. They spoke about the need for the grant that extinguished native title to be a grant that established exclusive possession. Each of three major qualifications is clearly capable of exploration before the courts. Who is to say, for example—apart from the Premier and his cohorts—that native title composed of rights such as the right to hunt, to fish and to conduct ceremonies would be rights that a court would consider inconsistent with the operation of a pastoral lease? There are many people who are prepared to argue that there is no inconsistency; that such native title rights could readily be carried on in absolute consistency with the operation of a pastoral lease. I will come back to that point.

The Premier's view also assumes that grants of pastoral leasehold are unqualified grants with no reservations whatsoever in favour of Aboriginal people—of exclusive possession in the favour of the grazier; so that the grazier has

absolute rights over who may and may not make use of the property under any circumstances. The Premier is prepared to continue to argue, I am sure, until he is blue in the face that this is the sort of protection afforded pastoralists in Queensland. The fact is that that remains very much to be seen—and, as I will establish later, his Lands Minister is nowhere near as dogmatic on that particular point.

Certainly, there are many people who disagree with the Premier, and they include some extraordinarily influential people. Professor Henry Reynolds of Townsville has argued, for example, at great length—and persuasively—in some extremely relevant quarters in this debate that grants of pastoral leases in Australia were not unqualified at all. He has argued that the only exclusivity granted to graziers in Queensland and, indeed, throughout Australia was exclusivity merely to pasturage and that this qualification on leases was the result of an explicit intent by the colonial authorities to preserve the rights of Aborigines on pastoral land.

The Premier dismisses the Reynolds view out of hand. He has to, of course, if he is to keep his head in the sand. The bottom line, though, is that authorities far more influential than he in the Mabo arena have not dismissed the Reynolds view—far from it. Perhaps the key example of someone in a position of influence clearly intrigued and clearly influenced by the Reynolds argument is none other than the President of the national Native Title Tribunal, Mr Justice French. He has taken the Reynolds argument very seriously indeed. Any honourable member who would like to understand the extent to which he has taken a very opposite view to the Premier on the issue of pastoral leases in general, as reflected in the Mabo judgment, and the Reynolds line of argument, should simply read closely his speech to a Mabo law conference in Sydney this past June, and then look to the guidelines on the tribunal's treatment of claims to pastoral land.

First, Mr Justice French remarks on the ambiguities, and the qualifications, which accompany the rulings by the High Court judges. He spends a lot of time on the key words on which the Reynolds argument rests, which are the need for a grant to be unqualified before it can have the impact of extinguishing native title to the extent that the exercise of native title rights is inconsistent with the grant. He says, in as many words, that it is "important" to note the qualifications attached to the court's observations about the grant of leasehold interests.

He also observes that it is questionable whether it is possible to—

> ". . . construct a majority in favour of the proposition that a lease with a reservation in favour of Aboriginal peoples completely extinguishes native title."

He said—

> "The contrary is arguable."

The contrary is arguable! Those are the words of the President of the National Native Title Tribunal. In that speech, he recounts an element of the advice to the Commonwealth by its advisers in its discussion paper on Mabo published in June last year, which, in a very significant qualification of the view then being put forward by the Premier, states—

> "The differing views of the justices . . . illustrate how difficult it is to predict the court's approach to future claims to leased land, as notions of what is and is not incompatible with continuing native land are likely to differ."

So there is the Commonwealth's own discussion paper on Mabo of June last year indicating that the Prime Minister's advisers were far from certain that the High Court would find that pastoral leases extinguished native title. What a different tune than the one we were shortly to hear when the major players became concerned about the fate of their legislation if the backlash against their Mabo plot grew.

Mr Justice French continued—

> "The common law in relation to leasehold interests has implications for pastoral leases."

He had not dismissed the obvious, like the Premier has. He referred to the current statutory reservations in lease arrangements for Aboriginal rights in Western Australia, South Australia and the Northern Territory, and he went on—

> "Particular reservations inserted administratively in other jurisdictions may require consideration in this connection."

So Mr Justice French was saying that pastoral leases, not only in Western Australia, South Australia and the Northern Territory but also in other administrations, could also be vulnerable to Mabo-style claims. We did not hear that interpretation from the Premier; Queensland leases were absolutely safe. We did not hear that interpretation from the Prime Minister.

Mr Justice French continued—

> "An historical perspective on these questions is offered by Professor Henry Reynolds in his article 'Native Title and Pastoral Leases' . . . the question relating to pastoral leases interacts with the screening test for acceptance of applications for native

title determinations, reference to which is made later in this chapter."

And that reference indicates that it was, and remains, the considered opinion of the President of the National Native Title Tribunal that—

"A claim for native title in relation to an area covered by a pastoral lease may not be able to be rejected by the registrar as hopeless."

He said that it may not be able to be rejected as hopeless. How different is the interpretation of the National Native Title Tribunal President from the interpretation of the Premier! One had his eyes open; the other had them deliberately shut to deceive the pastoral industry. He went on to say that if an application were to claim rights and interests plainly inconsistent with the interests conferred by the pastoral lease, then the position would be different. So the proof of the pudding is in the eating, not in the Premier's wishful thinking.

Claims will be, and have been, accepted by the National Native Title Tribunal in relation to pastoral land. A claim has been accepted, for instance, covering many thousands of square kilometres of Cape York which did not seek simply co-existent rights but sought exclusive possession. Subsequent to the decision to accept that claim, and after submissions from a variety of anguished people, Mr Justice French restated his view that he would not necessarily reject claims over pastoral leasehold land. He did so in language, in official guidelines, which proponents of the no-threat school have gamely, and lamely, again tried to assert indicate that he has learned the error of his ways, that he will not accept any more claims to pastoral country and that everything is, therefore, all right. Again, that is totally deceitful rubbish. Again, the proponents of the argument dissemble. Any student of Mabo who reads those guidelines can see quite readily that they are not a recipe for no more claims over pastoral leases at all. They are exactly the opposite. They are, in fact, a recipe for more claims over pastoral leases.

Since this issue is of such central importance to the continuing threat of native title, I will deal with each of the relevant points in those guidelines to further debunk the Premier's deliberate misinterpretation. The fourth of those guidelines says—

"An application for a determination that native title exists over land which includes land which is or has been subject to a lease held from the Crown will not ordinarily be accepted by the registrar if:

a. the lease confers the right to exclusive possession on the lessee for the term of the lease; or

b. the rights and interests comprising the native title which is claimed are wider than any reservation in favour of Aboriginal or Torres Strait Islander people contained in the lease."

So again, Mr Speaker, we are dealing with the ambiguities, and the nuances, of Mabo language which, to somebody with a lack of basic integrity on this issue, like the Premier, are readily open to distortion.

Nothing is ever straightforward. When the proponents of the "pastoral leases are absolutely safe" brigade take to point four in the guidelines, they say it rules out claims because pastoral leases grant exclusive possession. But that is not what Mr Justice French said at all. He says they will not ordinarily be accepted. And while he says that the native title rights he may entertain in relation to pastoral land will not be wider than reservations in favour of those rights, we know that he has already considered, via the Reynolds argument, the possibility that such reservations could well be very significant. So again the flat earth society gets no support from the President of the National Native Title Tribunal.

Point five of the guidelines opens the crack even further. It says—

"An application for determination of native title over land which includes land which is or has been subject to a lease held from the Crown may be accepted by the registrar if the applicant can show that it has an arguable case for the proposition that:

a. the leasehold interest is invalid to the extent that it purports to be inconsistent with a native title claim; and

b. the leasehold interest has not been validated by s.14 of the Native Title Act 1993 and native title extinguished pursuant to s.15 of that Act; and

c. the leasehold interest has not been validated and native title extinguished by equivalent provisions of a State or Territory law."

No. 5 is a very interesting guideline, because what it suggests is that, as far as Mr Justice French is concerned, there is room for an applicant for native title in relation to pastoral leases to argue that pastoral leases merely purport to be inconsistent with the exercise of native title. So there is the inconsistency issue, which keeps on cropping up. Clearly, according to the National Native Title Tribunal, it may be that

pastoral leases do not establish inconsistency with the continued exercise of native title rights, but that they only purport to do so. The guideline, as it is written, is therefore an invitation to test that very point.

The remainder of the section concerning the issue of validation is very blunt. What it says is that, at least until the Native Title (Queensland) Act is enacted, the barrier to claims against pastoral leases is down. However, as we have established, the State can act only to purport to give pastoral leases some protection. The simple fact is that, as of now, we do not have such an Act, except in name only. The title is the only element of the Act, along with the Preamble, which has been proclaimed. Even if the legislation were enacted, as has been so clearly established, given the National Native Title Tribunal guidelines, it cannot stop further claims; nor can it influence the fact that the cat is already out of the bag in the Federal Court and before the national tribunal. So at present we are in no-man's-land. However, the guideline through which one could drive a veritable bus is No. 6, which states—

> "An application may be accepted by the registrar over land which is or has been the subject of a lease from the Crown where the native title rights and interests claimed are not wider than the rights or privileges which may be exercised by Aboriginal or Torres Strait Islander people or others by virtue of a reservation in the lease whether created by statute or otherwise."

That is what it says—"or otherwise". Guideline six is the Henry Reynolds guideline. So it no longer necessarily matters whether the Premier is right when he claims, as he does, that there are no statutory reservations in Queensland's successive Land Acts. There is an opening there for claims concerning reservations otherwise created. That is the Henry Reynolds argument.

Mr Bennett: Explain it.

Mr HOBBS: I just have. The member should have been listening. The Henry Reynolds argument dates back to colonial days, an era which, in the equivalent of the Mabo argument that has occurred in other countries, has had very strong influence on jurists as they have decided the incidence of native title. So when one looks at the facts, for the Premier to suggest, as he has done, that pastoral leases in this State are safer than houses simply cannot be sustained. Forget for a moment the Premier's personal, wishful and, I would suggest deceitful, Mabo voodoo which goes on in these amendments.

Even the Premier's Lands Minister, the Minister who brings these largely impotent amendments to the House, has conceded unambiguously the vulnerability of pastoral leases. In August, I asked the Minister for Lands a question about this matter. His response was more informative than I think he knew it to be at the time. He said in relation to native title and pastoral leases—

> "First of all, I make the point that the National Native Title Tribunal advises that it is compelled to accept applications from native title claimants over pastoral leases because in Mabo judgment number two only three judges indicated that a grant of pastoral lease, per se, extinguished native title. But the National Native Title Tribunal also advises that once there has been a definitive decision—and it does not necessarily have to be a High Court case—that pastoral leases extinguish native title"—

that was a punt from the Minister—

> "then the National Native Title Tribunal will no longer accept claimant applications over pastoral leases."

The Minister was sufficiently correct to join the Commonwealth's own advisers and the president of the National Native Title Tribunal in contradicting his Premier. However, after his wholesome admission of just how wrong his Premier had been on this topic, in the rest of his response he took some liberties with logic. One is a suggestion that the test case on this matter will not have to be a High Court decision. Of course the issue will have to go to the High Court. It may well go to the High Court from more than one angle, potentially continuing uncertainty for many, many years to come.

The other liberty the Minister took is that he suggested that as soon as the case, wherever it is heard, is heard the National Native Title Tribunal will no longer accept claims over pastoral leases. I suggest to the Minister that few pastoralists will have any faith in his ability to prejudge the matter after they have already been misled so comprehensively by his Government and his leader. I hope with all my heart that the Minister is right and that the High Court ultimately provides surety for pastoral leases. However, he is simply taking a punt.

The rest of the Minister's answer to that question that was asked of him back in August was just as revealing. He went on to say—

> "The tribunal also issues draft guidelines concerning the acceptance of claims over freehold and leasehold land which provide that it will no longer accept claims over freehold and leasehold land that has been the subject of a lease which

> confers exclusive possession. In Queensland . . . that should include pastoral leases."

"That should include pastoral leases"! What a long way towards the truth we have come from the outlandish and the deliberately deceiving lines from the Premier a year ago. The agenda is revealed even more in the remainder of the Minister's answer. Remember the Premier's four major caveats on his backing for the Native Title Act: compensation to be paid by the Commonwealth, not the States; an end to the regime of the right to negotiate over mining exploration permits; an end to the right for conversion of pastoral properties bought by Aborigines to native title; and an end to the need to negotiate or compulsorily acquire land which might be subject to native title to advance capital works. The list of things the Premier demands now from the Prime Minister on behalf of assuring the secure future of land tenure in Queensland has shrunk. It has shrunk more in line with what he does than it has shrunk in line with what he says, which is the story of the man's political life.

What more of the truth did the Minister reveal in his answer in August? Members should keep in mind that I am talking about August, eight months after the Premier stood up in this House, crossed his heart and said that he had to act quickly to ensure certainty, but that he would battle Canberra for justice for Queenslanders. Members should listen to what his Lands Minister said in this place barely weeks ago in relation to that key point of the Premier—the point on which he would go to the barricades, where he would not countenance the ability of Aborigines who purchased pastoral property in Queensland to then turn around and convert those purchases to native title because, as the Premier said, it threatened the pastoral industry. The Minister stated—

> "The Queensland Government is intending to make a submission stating its preferences in relation to these guidelines. Existing pastoral leases held by indigenous people may be reverted to native title under section 47 (2) of the Native Title Act."

Between Christmas last year and August the Government obviously had not moved to resolve the matter. A few weeks ago the issue had been reduced to a submission concerning preferences. What an absolute wimp-out!

I note further that in correspondence the Premier has suggested other elements of what was to be his defiant position on proclamation of his own Native Title Act have also been melting away. By the time the Premier wrote a letter in August to the Cattlemen's Union, he had varied significantly his requirements for a satisfactory conclusion to negotiations with the Prime Minister. Gone are the four major reservations. Only one reservation from that category survives, and that is the compensation issue. The concern in relation to the destruction of sectors of the pastoral industry, as also suggested by the Lands Minister in his answer to a question in Parliament, to which I have referred, had disappeared from the Premier's list. So, too, had his concerns about the right to negotiate provisions impinging on minor mining rights, which is replaced by apparently wider, but unspecified, concerns in relation to mining on native title land.

The Premier added to the list a requirement that the Commonwealth recognise the Queensland Native Title Tribunal as a recognised State body under the Native Title Act. The latter was clearly never an issue of dispute with the Commonwealth on the basis that the Native Title Act had the ready capacity to recognise State-based tribunals.

What a tragic, mishandled, deceitful farce the whole thing continues to be. Again, the Premier has fulfilled his happy knack of being nothing to nobody. We have one generalised amendment, which purports to provide some comfort, but it is basically a vague cop-out. As the PR core of these amendments, we have a bid to advance the folly that the Premier is moving to protect pastoral leases. He has no capacity to do so, and the threat exists out there. I presume that the Premier is trying, in his own way, to overcome the issue of pastoral leases owned by Aboriginal people being converted to native title by the same device. Clearly, that cannot work either.

The Premier still has not addressed the issue of the gag on capital works brought about by his agreement with the right to negotiate provisions in relation to land set aside for a public purpose. So the Premier cannot build, of all things, a new police station at Doomadgee. Millions of dollars for Aboriginal housing on Aboriginal land continue to sit in the bank. Finally, by definition, we will have to come back to this Act again for further amendment, as there is some accommodation with the Commonwealth on compensation—unless what we see before us in these amendments is the Premier's absolute capitulation.

Mr DOLLIN (Maryborough) (5.40 p.m.): I would like to draw to the attention of the House the great interest that the Opposition has in this debate; for most of the afternoon there have been two Nationals and one Liberal in this place. The Bill before us, the Native Title (Queensland) Amendment Bill 1994, is a most important issue for all Queenslanders, old and new, as it sets out

to recognise in an even-handed manner the rights of native title and the grants of freehold and leasehold estates.

All other States and Territories have already tackled this complex issue in various ways. New South Wales will be introducing its legislation shortly. Legislation confirming Victoria's land title has been passed, and the South Australian legislation has been drafted but is awaiting the outcome of its joint challenge with the Western Australian Government in the High Court to the Commonwealth native title legislation. The Tasmanian Parliament is working on validation legislation, and the Northern Territory has commenced legislation that will bring it into line with the Commonwealth. The Australian Capital Territory's Legislative Assembly has passed and proclaimed legislation confirming land titles and Crown ownership of minerals.

As most of the members of this House would know, the Goss Labor Government's Native Title (Queensland) Act of 1993 was assented to and proclaimed prior to the passage of the Commonwealth legislation. This Act was designed to mirror the Commonwealth Native Title Act of 1993. Since the Federal legislation was assented to in December 1993, the Commonwealth Act has been amended. The amendments proposed in this Bill will reduce the inconsistencies between the Commonwealth and Queensland Acts. The Queensland Bill will improve on certain procedures, as it plainly details what has to be included in a claimant's application, which will make the Act easier to understand.

Apart from the consideration of consistency between State and Federal legislation on this issue, this Bill sets out to achieve a number of other objectives, including the recognition of the Queensland Native Title Tribunal, thereby allowing participation in the national scheme. It clarifies definitions and drafting errors and simplifies the operations of land transfers and grants under the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991.

Without a doubt, one of the most significant aspects of the Native Title (Queensland) Amendment Bill is the amendment in clause 3 declaring that pastoral leases extinguish native title in Queensland. This issue relating to the extinguishment of native title by pastoral leases has caused much concern and debate. Unfortunately, most of the concern has been whipped up by Opposition members running around Queensland making all sorts of ridiculous statements such as, "Your backyard could be lost through Mabo claims." The Opposition tried very hard to convince pastoralists and miners that all was lost, and got cranky when the organisations would not believe them—and even crankier when these organisations went along with the Goss Labor Government's legislation of 1993.

The Opposition made wild statements about Aboriginals taking over people's backyards and pastoral and mining leases in an effort to cause division and hatred in our community, believing that this would somehow enhance its political status. In view of the fact that the Opposition is as free of policy as a frog is of feathers, perhaps it is understandable that the Opposition runs around Queensland trying to scare people. This could well be its only strategy for re-election—scaring people into voting for it. Without policies, the Opposition's options are limited, and scaremongering may be all that is left for it to do.

In this House, the Premier has repeatedly and consistently maintained that the best legal advice to the State Government was that pastoral leases extinguished native title. The Crown Solicitor has advised that the issue of valid pastoral leases would extinguish native title. Amongst other reasons, the Crown Solicitor has advised that Justice Brennan, with whom Chief Justice Mason and Justice McHugh agreed, indicated in the High Court case of Mabo v. The State of Queensland that native title is extinguished by valid grant of a leasehold estate. Justice Dawson took a similar view, and Justices Deane and Gaudron held that native title is extinguished by a lease conferring exclusive possession.

Further, in his second-reading speech, the Prime Minister, Paul Keating, drew attention to the preamble of the Native Title Bill of 1993. The view of the Commonwealth Government was that, under the common law, past valid freehold and leasehold grants extinguish native title. The Prime Minister stated that there is therefore no obstacle or hindrance to the renewal of pastoral leases in the future, whether validated or already valid. It all sounds pretty reassuring to me, but the member for Warrego would like to ignore all of that legal advice and all of the other advice that has been given, claiming that he knows best.

As I said at the beginning of my speech, this amendment Bill is of great importance to all Queenslanders. Some 73 per cent, or 92 million hectares, of our State's land is under pastoral lease, which adds some $2.73 billion to the economy of Queensland through industries such as agriculture, forestry and fishing. The National Farmers Federation Executive Director, Richard Farley, recently warned that the perceived—and I repeat "perceived"—uncertainty of tenure of pastoral leases was causing some financiers to review the security offered by pastoral leases.

Former President of the Queensland Mining Council and BHP Australia Coal spokesman, Bob Flew, said in the media last week that the mining industry had always believed that the High Court Mabo decision meant that pastoral leases extinguished native title. He went on to say that this new legislation would remove much of the uncertainty among mining industries in Queensland. He said, "Anything that removes uncertainty from an investment point of view is always a positive thing." I could not agree more.

This legislation allows also for the transfer of a portion of the land recently acquired from the Starcke holding by this Government to Aboriginal people. An amendment to section 2.06 of the Aboriginal Land Act 1991 to include land declared as transferable land will enable this to occur. To ensure that the consistency of approach established between the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991 is maintained, a similar amendment is proposed for the Torres Strait Islander Land Act.

Honourable members may well remember the Starcke Pastoral Holdings affair. George Quaid had a marvellous windfall in 1989 when he was able to freehold a large parcel of land from the then National Party Government for the princely sum of $30,802. This land is an outstanding natural area and yields a host of new plant species, including a number of unique rainforest scrubs and a 2.8-kilometre beachfront. I repeat that it was freeholded to Mr Quaid for $30,802. The parcel contained 24 664 hectares, or 61 160 acres. That works out at $1.26 per hectare, or 50 cents per acre—the price of a cheap allotment in Maryborough.

He then offered the land for sale in the United States for $US18m, or $A25m, a few years later—not a bad mark-up in a very short space of time. There was nothing like having mates in high places when the Nationals held the reins. Sadly for Mr Quaid, this Government stepped in and put an end to that rort. This reminds me of a chap from up our way who also got a windfall in 1989—a nice parcel of freehold land on an island, and very cheap.

The Bill will also enable any dealings in land which would otherwise be of benefit to Aboriginal or Torres Strait Islander people to proceed with confidence. In Queensland, land is made available for transfer or claim under the provisions of the Aboriginal Land Act 1991. Land can also be made available to Aboriginal and Torres Strait Islander people under the Land Act 1962. Land dealt with by those processes includes land that was formerly contained within pastoral leases. Certainty about the effect of valid pastoral leases on native title will assist the Queensland Government to make such land available to Aboriginal and Torres Strait Islander people.

This amendment is consistent with the approach of the National Native Title Tribunal. That tribunal has recently issued guidelines indicating that it will not accept native title claims over pastoral leases which do not contain reservations for the benefit of Aboriginal or Torres Strait Islander people. No existing Queensland pastoral leases contain reservations for the benefit of Aboriginals or Torres Strait Islanders.

I believe that the Native Title (Queensland) Amendment Bill is necessary to address the community's concerns and to provide certainty for investment and finance and development in the pastoral and mining industries for the benefit of all Queenslanders. I believe that this Bill does that, and I commend the Minister for bringing it to the House.

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (5.51 p.m.): It disturbs me to be rising in this House once again to debate a native title Bill put forward by this Government which leaves so much to be desired. It concerns me that once again the Premier has offered the mining industry protection and security to invest while failing to actually live up to those promises. It concerns me that the Premier is indulging in yet another fluff piece here, another example of his lack of real substance when it comes to the tough issues. "All form and no substance" is the motto that could be applied to Wayne Goss.

I wonder whether the taxpayers of Queensland will have to pay another $30,000-plus for a campaign of newspaper ads by the Premier in a few weeks' time when the full knowledge of his incompetence on native title becomes apparent. It could be an expensive few months for the taxpayers of Queensland if they are forced to pay for advertising campaigns by the Government every time it makes a mistake or fails to live up to its promises and its rhetoric. After all, it has now been almost 12 months since the Premier rushed through the Native Title (Queensland) Act in unseemly haste to complement Federal legislation which had not even passed through the Senate. Twelve months later, and now we are finally back here debating the legislation which is supposed to cover all of the Premier's concerns about the impact of the Federal Bill.

Let us look back at the Premier's second-reading speech in December 1993. In that speech, he stated his first item of immediate concern—

> "The special regime for negotiation of mining grants may operate as a disincentive to industry, particularly if exploration grants are not exempted from the process."

That was the Premier's first priority when it came to making his grandiose speech last December, and yet with this amendment before the House today it rates one vague paragraph. That is right—one vague paragraph which fails to provide any of the protection to the mining industry which this Premier promised. Clause 35 of this Bill states that the mining industry may be exempt from the special regime of negotiation in "appropriate cases". Here we go again. The fence-sitting Premier, trying to cover both sides, will in effect back down on one of his promises. Where is "appropriate cases" defined in this Bill? The Premier said that he would not support any complementary legislation in Queensland unless the mining industry was allowed to carry out exploration without first having to negotiate with Aboriginal claimants, and he has backed down on his pledge.

I should spend a little time informing the House what effect this could have on the mining industry. What this regime for negotiation means is that, although Aboriginal claimants cannot veto exploration by mining companies, the companies will be forced to negotiate with Aboriginals who have land claims if they want to carry out exploration on that land. This places the mining companies in an extremely difficult situation and the Aboriginal land claimants in a very strong situation. Although not vetoing exploration, the Aboriginal claimants can, and no doubt will, place conditions and restrictions on the exploration which could make such exploration unprofitable. It could mean that mining companies will just give up trying to explore new areas for mining in Queensland, because it will be uneconomical and extremely restrictive on time and resources to spend months negotiating over the conditions of that exploration. It must be remembered that normal landowners——

Mr Smith: How do you think you would get on in the Northern Territory?

Mrs SHELDON: The Minister did not even bring in the native title legislation to which I am referring. The Premier walked all over the Minister to do it, and now the Minister is bringing in this little amendment. The Minister is "little Mr Echo" in the background. He cannot even run his own administration properly, and obviously the Premier has absolutely no confidence in the Minister's ability, as evidenced by the fact that the Premier brought in the original Bill and not the Minister.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member will resume her seat. The House will come to order, and the honourable member will return to the contents of the Bill before the House, otherwise I will take appropriate action.

Mrs SHELDON: Thank you, Mr Deputy Speaker. What this regime for negotiation means——

Mr J. H. Sullivan: He wasn't helping you, Joan; he was telling you off.

Mrs SHELDON: I thought that was an interesting ruling, because the interjection came from the Minister and we were having a little debate across this Chamber, but I did not hear the Minister reprimanded in any way. I suppose that Mr Deputy Speaker has his own reasons for that.

Mr DEPUTY SPEAKER: Order! The member will resume her seat. I consider that to be a reflection on the Chair, and I ask the honourable member to withdraw.

Mrs SHELDON: Mr Deputy Speaker, if you take offence at that, I will certainly withdraw.

Mr DEPUTY SPEAKER: Order! The member will resume her seat.

Mrs SHELDON: I will withdraw it unreservedly.

Mr DEPUTY SPEAKER: Order! I have asked the honourable member to withdraw in the following terms: "I withdraw."

Mrs SHELDON: I withdraw, Mr Deputy Speaker.

A Government member: Ha, ha!

Mrs SHELDON: I would not laugh; the point was made.

It must be remembered that normal landowners do not have the ability to prevent mining exploration, provided it has been approved by the Mines Department. Let us put this in some context. There are 12 000 applications each year in Australia for mining exploration, including licence approvals and renewals. The lack of intestinal fortitude by the Premier in introducing this Bill today, a Bill which fails to give mining companies the right to explore in areas where Aboriginal claims have been lodged, will only increase the flood of capital from Australia to Asian and other markets where they have some security.

Mr Welford: Rubbish!

Mrs SHELDON: There is that mining giant in the background. Which mental moron was that?

As CRA's Mike Quigly said back in February this year—

"Australia could see a repeat of what happened at the end of the Whitlam era. A capital strike. Financiers"——

Government members interjected.

Mrs SHELDON: I know that the viability of this State is of no interest to the rabble on the Labor backbench, but it is of great interest to the Opposition, and that is why we are raising the justifiable concerns that we have regarding one of the major economic contributors to this State, that is, the mining industry. I realise that Government members do not have the intellect to appreciate that point.

Mr Quigly stated—

"Australia could see a repeat of what happened at the end of the Whitlam era. A capital strike. Financiers will hold back investment in the Australian mining businesses until they are convinced they have real security."

This Bill does not offer real security. The original Bill has not even been proclaimed yet, and this amendment offers little hope to the mining industry. We are not talking about millions of dollars for Queenslanders here; we are talking about billions.

Mr Smith interjected.

Mrs SHELDON: Did the Minister wish to say something?

Mr Smith: I said it.

Mrs SHELDON: The Minister said it? It was unintelligible as usual!

We are not talking in this case even about full-blown mines. We are talking about what will happen if the mining companies' right to explore is impeded, as it will be under this ill-conceived amendment. The amendment will allow Aboriginal groups who have claims over land to bargain with mining companies on the basis that the Aboriginal groups have the whip hand; they have the power. That bargaining or negotiation option puts all the power with the Aboriginal claimants and no similar power with the mining companies. Consequently, the mining companies have little opportunity to strike a legitimate deal for exploration rights, because they have little or no bargaining power. This Government and this Premier are asking the mining companies to spend millions and millions of dollars on exploration without any security. This is a ludicrous situation which will severely impact on the mining industry in Queensland.

Currently under the Commonwealth Act, which the Premier is slavishly following, the mining companies must undertake negotiation and arbitration procedures with Aboriginal claimants at the exploration stage, the intermediate stage and then again when the——

Mr Smith: Do you think your friend Jeff Kennett is doing anything different?

Mrs SHELDON: Jeff Kennett is looking after the economic interests of his State, which is a damned sight more than this Government is doing. Victoria is currently outpacing Queensland on all indicators. Jeff Kennett started at a rust-bucket level that Labor had left through its total incompetence in financial management, which we have seen again and again in every State in this nation and federally, even under the so-called greatest Treasurer in the world, Paul Keating.

In short, the industry faces under this Act and its Commonwealth cousin the problems of the renewal of existing exploration and mining interests, which was previously a formality, now being treated as new titles under the Native Title Act and subject to native title claims; the right to negotiate issues, which the Premier's amendment today fails to tackle, and which means that exploration will be subject to negotiation and arbitration with delays of months; the fact that negotiation and arbitration procedures must be carried out at all three stages—exploration, intermediate and when the mining lease is sought; and the delay which is caused by the fact that the tribunal must only take "all reasonable steps" to make a determination on claims, which means that there is no definite time limit on how long tribunal hearings on land claims will take.

Sitting suspended from 6 to 7.30 p.m.

Mrs SHELDON: The other problem is the fact that, under the Commonwealth Act, the Queensland Act and this amendment, the tribunal is extremely unlikely to grant mining leases against the wishes of Aboriginal claimants. This puts the Aboriginal claimants in a no-lose bargaining position with mining companies.

These are just some of the points that the mining industry must face if it is to operate under the Commonwealth and Queensland Acts. It must be noted that Queensland's economy will grind to a halt without the mining industry. Let us look at some of the facts. The Queensland mining industry produces $5.2 billion a year for the Queensland economy, almost all of which is exported. Coal alone accounts for $3.8 billion of that figure. Australia is the world's largest coal producer, and Queensland is the largest producer in Australia. The mining industry accounts for 44 per cent of all Queensland exports. Mining exploration alone contributes $125m to the Queensland economy each year. And the Queensland taxpayer gets $1 billion a year out of the mining industry—$800m in rail

freight taxes and another $200m in royalties. This is not an industry we can let slip through our fingers because of this Government's inability to come to grips with the real problems the Commonwealth Native Title Act, and its Queensland equivalents, can pose to the future of mining in Queensland.

The Premier has once again gone for the soft option of claiming he has done something, while really he is doing little at all. Really, as I said before, it is all form and no substance. It is Wayne Goss who is the cream-puff man because it is Wayne Goss who promises the world and blames everyone else when he does not deliver.

There are many other problems with this legislation before the House today, but I am sure my colleagues will cover them all. My main focus today is to highlight the Premier's total incompetence in ensuring that Queensland's multi-billion dollar mining industry not only survives but also prospers. This amendment before the House today, to an Act which has yet to even be proclaimed, is a very disappointing piece of legislation for the mining industry, the people of Queensland, and Queensland's future economic growth.

Mr PITT (Mulgrave) (7.33 p.m.): I intend to make only a brief contribution to tonight's debate. However, I must say that the previous two speakers for the Opposition have underlined the paucity of understanding they have of some of the social issues in this nation. They lack any understanding of the legitimate aspirations of ATSI people in Queensland. They are not aware, I am sure, that Australian people as a whole now desire social justice for all of its citizens, and that does include ATSI people as well. They fail to recognise that there is a traditional attachment to the land by Aboriginal people, and this Government, along with the Federal Government, has done something about meeting that particular recognition.

The Native Title (Queensland) Amendment Bill 1994 confirms the Queensland Government's commitment to ensuring that State legislation reflects the Commonwealth and common law on native title. It is important that Queensland is able to run its own affairs in relation to native title and land management. People would be aware that in 1991 two Bills were introduced in this House. At the time, they were Bills that may have drawn some controversy, but they were a landmark, a pointer in the right direction, for this Government. As a matter of fact, those two pieces of legislation preceded similar Federal legislation. This Bill affirms the Government's commitment to providing security and certainty to the community at large, including Aboriginal and Torres Strait Islander people, on the existence or otherwise of native title.

Let us look at the groups who are affected by this. First of all, I will refer to the non-ATSI groups such as the graziers, the mining industry and the wider community of landowners. The graziers of this State—and, indeed, across Australia—have come to grips with the need for native title legislation, with the need for land rights for Aboriginal people. After much soul-searching early in the piece, they did, as I said, come to grips with that, but their so-called representatives in this House do not appear to have come to grips with that movement by the graziers of this State as well.

The mining industry, contrary to what has been said here tonight by members opposite, is also aware of the importance of that legislation and is able to work with it. What the mining industry really requires is some sense of direction, some sense of security, so it can get on with its business. I noticed that the Deputy Leader of the Coalition pointed out how important the mining industry is to this State, and I do not think any Queenslander, ATSI or non-ATSI, would deny that. But it is very important that the aspirations of those people are met and those things are not mutually exclusive. The mining industry can go about its business, as well as the social justice policy of this Government being put in place in so far as it affects land rights. I do not see it as being mutually exclusive. I am sure that the mining industry will take heart from this piece of legislation because it is important for our economy to do well. If the economy is doing well, this Government has the necessary funds to spend on its programs. The member for Cook, who will follow me in this debate, would be able to attest to the fact that we have delivered—and delivered in a most significant way—to the people of Cape York and the Torres Strait islands. Along with the Federal Government, we have redressed some of the paucity of resourcing that was exemplified by this State over a period of some three decades.

Specifically, the Bill provides guidance and direction to the Aboriginal and Torres Strait Islander communities who now know with greater certainty where native title may exist. This lack of certainty is a bit of a problem. It is not only the mining industry and grazing industry that are concerned with the degree of certainty; Aboriginal and Torres Strait Islander people also want to know where they stand. I am sure that when the native title legislation was passed in this House and in the Federal Parliament there were many groups representative of Aboriginal and Islander people who in themselves were not too sure of the parameters within which they could work. One of the problems I have

encountered in my electorate is in addressing, in some cases, unrealistic expectations by groups, and in other cases, groups who fail to grasp what their true rights are. A Bill of this nature will at least put to rest some of the concerns that some of those people have and they will know the framework within which they are going to operate.

I will exemplify the sort of problem that exists. In my electorate, at a community called Giangurra, which is also known as Bessie Point, there are two groups that are working on housing projects and living in substandard housing. I have been working with them for some two and a half years to try to access resources to improve the standard of that housing. Both are in the process of working with me, with ATSIC and the Queensland Department of Housing, Local Government and Planning to improve the condition of their housing. However, they have come across a problem. There are two Aboriginal groups working to that end and at the same time there are two competing groups, both of which are seeking native title over the same land upon which they desire to construct houses. The resolution of that conflict is not proving to be an easy matter, but I am sure that with good faith and perseverance the two land rights groups and the two housing groups and myself and other agents will work together and will come to a satisfactory resolution.

Over the last couple of years—and my electorate is not sheltered from this—we have seen a number of radical people come on board. I am not referring here to Aboriginal groups; I am referring to some of our European, what I would call, research officers. They are people who look for issues and will in some cases make mischief with well-intentioned, well-meaning Aboriginal groups in pursuing their legitimate ends. These people, for their own purposes, I believe, will lead people up the garden path with expectations that cannot be achieved. I am quite critical of those people. I think they do a heck of a lot of damage to the process of reconciliation and to the receiving of just recognition by Aboriginal groups.

The Bill provides that native title is extinguished by previous valid inconsistent acts of the State such as the issue of pastoral leases before 1 January 1994. This is a clear indication of the Government's view that native title is no longer an issue over pastoral leases. The Bill also facilitates Commonwealth recognition of the Queensland Native Title Tribunal and so allows Queensland to participate in the national scheme established by the Commonwealth Native Title Act 1993. The Queensland Native Title Tribunal will be a Queensland forum where native title issues can be mediated and determined in Queensland. This ensures that Queenslanders will not have to go to the Federal Native Title Tribunal in order to resolve native title issues that relate to Queensland. It is very important that this be done here in this State so that people have ready access to those tribunals and are able to have their cases heard and dispensed with appropriately.

Within my own electorate at Yarrabah the Gurubana-Gunggandji people have put in a claim to the National Native Title Tribunal over the area of Yarrabah/Fitzroy Island. This claim has not yet been accepted by the national tribunal, which has requested a tenure history investigation over the area. This sort of matter would now be able to be mediated and assessed by the Queensland tribunal. In other words, this Bill will allow for a Queensland forum to be established so that native title issues can be considered by the Queensland body.

When speaking of Yarrabah, I should say that the Yarrabah community consists of some 2 500 permanent inhabitants, and on occasion that number swells to well over 3 000. Those people are in a particularly difficult situation. There is no disputation from the wider community regarding the rights of the native people of Yarrabah to have access and control over that land. However, within the community there does exist a degree of concern over how they are going to resolve internal problems. Just to put members of the House in the picture, Yarrabah has two significant tribal groupings, the Gunggandji and Yidinji people, but they are not in the majority in their own backyard. As a matter of fact, people in the Yarrabah community termed "historical people" are in the ascendancy numerically. These are people who were brought to that community as part of the missionary process, but worse still, many of them were brought to that community in chains. Some of them came from Fraser Island and others came from cape communities. Those people all have a right to some stake in the future of Yarrabah. It is a DOGIT area at this stage. It is of great concern to me that the process of reconciliation between ATSI people and the greater Australian community is difficult enough, but in this case the process for reconciliation within the community of Yarrabah amongst those particular groupings is proving to be equally as difficult to find a resolution.

I am very hopeful that, as time goes on, people will put aside self-interest and that a workable, worthwhile solution to their internal problems will be found. I have a great faith in the future of Yarrabah as a community. It is a wonderful part of the world. It has great potential, both in tourism and for other economic development processes, if those people desire

to go down that track. I will be doing my very best to support them as an outsider, so to speak. Although I am someone who has lived in the community as a teacher back in the late sixties and I had an ongoing association with the people from Yarrabah over the intervening period, I am still an outsider. I have no right to impose upon them my view of a solution, even though I do have ideas in that respect. I am prepared to work with the various groups and, along with the elders of the two major tribal groupings, take our time in moving towards a resolution.

I compliment the Minister for bringing the Bill to this House. I think it is very important that it be done and I think it deserves the support of all members of this House. I would hope that further speakers for the Opposition will put aside the negativity that seems to exist with conservative politicians in this country, will recognise the rights of Aboriginal people and will give this Bill the support it deserves.

Mr FITZGERALD (Lockyer) (7.44 p.m.): As our Lands spokesman has explained so comprehensively in opening this debate for the Opposition, what we have before us in these amendments is simply a continuation of the Premier's long-running farce in the handling of this crucial land management issue. The bottom line is that we will be no closer to certainty for the pastoral industry, for the mining industry, for developers, or for Aboriginal people when these amendments have been pushed through the House than we are now. I want to deal further with elements relating to the pastoral industry in particular by way of reinforcing some of the points made by the member for Warrego and in order to highlight the extent of the threat that that industry now faces, along with the mining industry, in relation to native title.

There are two elements in this amending Bill which seek to deal with the issue of certainty in relation to pastoral leases. The first is in the amendment of section 144 B of the Native Title (Queensland) Act where it is proposed to now state, in part, that—

> ". . . to remove any doubt, native title for land and waters was extinguished by a previous Act that was inconsistent"—

and there is that word again, "inconsistent"—

> "with the continued existence, enjoyment or
>
> exercise of native title rights and interests for the land or
>
> waters."

Talk about plain English! The clause then goes on to give as examples of acts of extinguishment of native title the issue of pastoral leases under the various Acts which have applied from time to time. As the member for Warrego has pointed out, this is a nonsense. We wish it were not the case, but the plain fact is that it is. Whether or not a validly issued pastoral lease extinguishes native title is an issue now not only under active consideration by the National Native Title Tribunal but also before the Federal Court and ultimately—there is not the slightest doubt about this—it will be active before the High Court.

The other element of the legislation which purports to give certainty to pastoral leases is contained in clause 5 of the preamble which will now read, in the ostensibly crucial addition that the High Court held—

> ". . . that native title is extinguished by valid Government Acts that are inconsistent"—

there it is again, "inconsistent"—

> "with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates."

So that is the other belated ingredient of the Government's effort to protect pastoral leases. Again, it is as impotent as the change to section 144 B on precisely the same grounds. The simple fact is that the question as to whether or not a validly issued pastoral lease extinguishes native title is an issue alive before the common law—and certainty, such as it may ultimately be, for pastoralists in this State will be decided by the High Court and not by this Government.

So with that nonsense out of the way, it is interesting to look at where we already stand in this State in relation to the threat to pastoral leases. It is clear that the threat, which obviously has ramifications for the mining industry also, is developing into a very significant threat indeed on a number of fronts. The first area is via the State's own Aboriginal Land Act 1991, which has, as its very own land acquisition fund, the Environment and Heritage Department's national parks acquisition program.

Honourable members will recall the Premier's recent visit to north Queensland to buy out leases held over the pastoral property of Silver Plains, which in turn followed his similar purchase of leases of the nearby Starcke pastoral holding. At the time of that visit, the Opposition Leader, Mr Borbidge, released a series of letters from a senior bureaucrat within the Environment and Heritage Department which established that the real purpose behind these lease purchases was to hand them over for land rights. The remainder of the properties was to go to national parks, which is, effectively, one and the same thing.

Under the Aboriginal Land Act, national parks are available Crown land—as soon as they are gazetted, they are gone, and I have no doubt

that ultimately every national park in Cape York will be claimable. That is clearly the plan. The only reason the Government will not gazette the lot at the one time is not that it does not intend to do so, it is so that it can do it bit by bit, to hide the intent as long as possible. It is this sort of activity which makes a farce of the Premier's claim in his second-reading speech to his still unproclaimed Native Title Act—unproclaimed since last Christmas—that a major concern he had with the Commonwealth parent legislation was the ability of Aborigines to convert to native title pastoral properties they owned. No wonder we did not hear too much about that after his crocodile tears in his second-reading speech.

He is doing the same thing himself, effectively, in relation to properties like Silver Plains and Starcke. Nothing is surer than that the same process is going to happen to other properties up there! Bromley is probably going to be the next. Bromley is right up the top! I understand that it has already been promised, just like Silver Plains was, and Starcke before it. The Environment and Heritage Department has already promised it! And what about Batavia Downs? It was a pastoral lease, it is now vacant Crown land.

Mr Bredhauer: Don't take an interjection; you don't know what the speech is about.

Mr FITZGERALD: Vacant Crown land is claimable land, as the honourable member for Cook is well aware. So the Premier has no credibility whatsoever when he says to this House, as he did some 12 months ago, that he has a major reservation in relation to the ability of Aborigines to convert pastoral properties to native title, because it threatens the regional viability of the pastoral industry. He is doing his level best to destroy the pastoral industry on Cape York, because he wants all of Cape York to go to land rights. That process is now very well advanced. A third of the Cape York's pastoral property is already under claim, and the Premier kept telling the pastoral industry last year it simply was not possible. He told them that it was not possible, and now a third of it is definitely under claim. When one takes into account all the land that is claimed or in a claimable category on Cape York, either under the State-based Aboriginal Land Act or under the Mabo legislation, which members are talking about tonight—if we ever see the legislation enacted—then one finds that over half of Cape York is already on its way to land rights.

Mr Bredhauer: So what?

Mr FITZGERALD: The member asks, "So what?" I am raising some concerns about what the Premier says, what his intentions were and where he finds himself now. He is telling two different stories. I just told the House what he said about the pastoral industry—how much of it is claimable—and now we come to the facts. Members must understand that the facts do not back up what the Premier said. I am talking about the hypocrisy of the Premier. He is saying one thing and acting another.

Already, with the acquisition of the Silver Plains leases, there is only one property—Kalpowar, of foxtail palm fame—that would stop any Aboriginal person walking from Cooktown to Weipa without leaving land that is either actively under claim or destined to go to land rights one way or another.

Kalpowar is obviously in the Government's sights to get rid of that one barrier. Already, it is virtually surrounded. Starcke flanks it on the east. Lakefield National Park, which is under claim via the Aboriginal Land Act, flanks it on the west. The northern boundary is Princess Charlotte Bay, and at the southern end there have already been offers from ATSIC for Battle Camp and Jack's Lakes, which would then completely surround Kalpowar. So it is now a perfect target for the Mabo-based Land Acquisition fund, the State-based fund, or ATSIC somewhere along the track.

Some of the alienation of Cape York is extremely well advanced. All that is going to be needed, along with further activity from the State-based Land Acquisition Fund—the land acquisition fund you have when you do not have a land acquisition fund—is some steady activity from the Mabo-based Land Acquisition Fund in relation to Kalpowar and the relatively small group of properties that make up the remainder of Cape York proper north of 16 degrees south, and the job is done.

There are other areas of the State where the regional impact of Mabo on the pastoral industry is likely to be great. In the north west of the State, we are also developing a very large conglomerate of land that is either available Crown land for the purpose of claim under either the Aboriginal Land Act or through the Mabo-based legislation, including both vulnerability to claim and to purchase under the Mabo-based Land Acquisition Fund as well as the acquisition of property by the State. That area, which covers much of the area identified by the mining industry and the State Government as the north-west minerals province, has, in common with Cape York, already received substantial attention.

Some honourable members, particularly those on this side of the House, and the Education Minister—when he was the Minister for Environment and Heritage—will recall that

there was a bidding war between the State Government and Sebastian Maia for the purchase of Lawn Hill station. CRA was bidding because its Century project, potentially one of the biggest mines in the world for silver, lead and zinc, is at the southern extremity of that property. Clearly, CRA was most keen to beat the State Government to the punch in negotiations with Maia because it knew what was likely to happen if it was beaten; that is, that the Government would have made the land national park, or a combination of national park and direct land rights land. So, in the first instance, CRA beat the State Government.

Subsequently, after it had secured the mine site and determined what other areas of the property it wanted to retain access to in relation to further exploration, the company re-entered negotiations with the State and sold to it significant areas of the property. This, in turn, enabled the Government to significantly expand Lawn Hill National Park. I do not need to remind honourable members that national parks are available Crown land under the Aboriginal Land Act. So the emerging threat to the pastoral industry in that region is built around Lawn Hill.

The Government has subsequently purchased a number of other pastoral properties in the region on exactly the same lines as we have seen occur on Cape York—which is to further land rights ambitions. These have included Highland Plains, Norfolk and Holt stations. The significance of these acquisitions is that they link the Lawn Hill park, as claimable land, into the Nicholson River claim on the Northern Territory side of the border to establish what is already a massive cross-border area of potential land rights country. When one adds to that the recent purchases by the Carpentaria Land Council of a series of coastal properties in the northern area of the region, which have included Troutbeck, Bundella, Brokera and Tarrant, then we are looking at a situation in which only a handful of properties have to be acquired to achieve an area around the size of Cape York.

Mr Smith: Are you suggesting that they ought not be able to dispose of them as they wish?

Mr FITZGERALD: I am not objecting to owners of properties disposing of their properties. I am pointing out to this House that I believe there is a clear intention of this Government to put together a large area of land that leaves the pastoral industry very unsure of its future in those areas.

Mr Bredhauer: Rubbish!

Mr FITZGERALD: It is rubbish all right. The Government will end up with a hell of a problem. It is raising the ambitions and expectations of the Aboriginal people in the area. It is wiping out potential mining or pastoral areas.

So we are seeing a massive alienation of land occurring right across the northern region of Queensland under what is clearly a deliberate plan to hand over vast areas of this State to land rights. In that north-western area, we are now looking at the need—through one of the various guises that various land acquisition funds have now taken in this whole process—for the acquisition of only a few properties to complete the buy-up of the north west. They are Wentworth, Westmoreland, the remainder of Lawn Hill and Bowthorn.

The fate of Konka and Pendine, which would take this massive area within a stone's throw of Burketown in the north east, is also going to be interesting. CRA has control of Pendine and has an option over Konka. Obviously, the company is not a pastoral company, and its interest in those properties will cease, as it will in relation to the remainder of Lawn Hill, as soon as they are no longer useful to it. Of course, those properties are already redundant, in that they were on the route of the proposed slurry pipeline from Century to the gulf in an early option for that pipeline, which was dropped after Aborigines based at Doomadgee were obstructionist and started buying up properties along the coastline in order to block it. The Minister is not denying that. This effectively forced the company to adopt an alternative route, which will take the pipeline to Karumba, and no doubt we will now see activity along that route which could well involve additional purchases of strategic properties by the Government in much the same way as it sought to beat CRA over Lawn Hill in the first place.

If not through the Government, then certainly we can expect to see more action through ATSIC funding to the Carpentaria Land Council under the guidance of the former right-hand woman of the Aboriginal Affairs Minister, Ms Morag McDonald, who has been busy fomenting unrest in the region while on unpaid leave from the Minister's office. That has been raised in this House a number of times. One wonders why question time is a farce. When we ask questions, we do not get answers.

Mr Bredhauer: You don't ask the right questions; let's face it.

Mr FITZGERALD: The member says that I do not ask the right questions. I have often heard Government backbenchers say that Opposition members do not ask the right questions. I am sure that I will not use the member's name if we can ask the right questions to keep the Executive Government honest.

The developing situation in relation to pastoral country on both Cape York and in the north-west province, particularly on the part of the Government—in other words, right across the northern regions of Queensland—destroys one of the alleged great concerns expressed by the Premier in relation to the Commonwealth Native Title Act. It destroys it!

The Premier is not only not concerned about the loss of the pastoral industry in regions, he is deliberately fostering actions which result in that very outcome. He has done it, and he will, I am sure, continue to do it on Cape York. He is fostering it in the north-west. While we have the Premier claiming he is the champion of Century and the champion of the north-west minerals province, he is prepared to sit back and let one of the senior staffers of the Minister for Aboriginal Affairs continue the dirty work.

Where does the Premier stand? While he purports to be a fan of Century and the north-west mineral province, he is fostering activity by another of his departments, the Department of Environment and Heritage, to buy up property after property surrounding the mine site and other land in the region that is deemed to be available Crown land under his own Aboriginal Land Act. No wonder the Leader of the Opposition declares the Premier deceitful and accuses him of seeking to pull the wool over pastoralist's eyes in relation to land rights and the sanctity of pastoral leases. The Premier could not give a fig about the pastoral industry. What he wants to do is what he does best. He wants to keep the Left Wing of the Australian Labor Party happy, but he does not want the people of Queensland to know what he is doing. So what does he do? He does what he does best: he says one thing for public consumption then he does something else altogether.

As the member for Warrego has said, this legislation is a farce. It will not do what the Government claims it will do. Sadly, it will not and cannot protect pastoral leases from claims. The inevitability of those claims was established by the ambiguity of the High Court decision, as endorsed by the President of the National Native Title Tribunal. Nothing can now change that, however welcome is the sentiment allegedly behind the belated recognition of the problem from the Government, and I can only endorse what the Leader of the Opposition said.

We can only hope that, when the High Court rules on the matter, it will rule that pastoral leases have extinguished native title. But, as I have indicated, the threats to pastoral leases and also to the mining industry have many other facets besides, and there are more yet to emerge. The issue of fiduciary duty lurks, for example, and is also alive in the Wik matter before the Federal Court, and so does Stage 2 of Mabo, the so-called social justice package which, if the Commonwealth is as good as its word, will provide absolute security for Aboriginal people over their sacred sites. So pastoralists are not out of the woods—not by a long shot. The legislation does nothing to help them, and other threats loom.

I indicate that I will be moving amendments to the Bill before the House tonight in an attempt to clarify some of the issues and to strengthen the case so that the mining industry will have some more security—some more surety—of what the legislation is all about. It is extremely grey legislation. The Commonwealth Act has to be tested. As I said before, it will go before the High Court sooner or later, so nobody knows until decisions are made by the High Court or further legislation comes forward.

The Opposition has some very serious concerns about this piece of legislation that is going to amend an Act which was rushed into this House and which was not even proclaimed but had to get on the boards so that the Premier appeared to his constituency to be doing something. We knew what he was doing. He could not bring in that legislation because the Commonwealth Act had not gone through, so the Premier had to jump around, saying, "We are doing something about it." It is a confused area, and I assure the House that it is going to stay confused for a very long time. It is very difficult legislation, but this Government has not acted in a right and proper manner. It will not even say that it has grey areas; it pretends that this is going to answer everything, and it will not.

Time expired.

Mr BREDHAUER (Cook) (8.04 p.m.): The orator of obfuscation complains that the area is confused. The contribution from the member for Lockyer leaves me somewhat bemused. I suspect that the member for Warrego could not have said it better if he had written it himself.

At the outset of this debate, I thought the Opposition was having difficulty with the inevitability of the Queensland Government's determination with the passage of these amendments and with the proclamation of the Bill that the High Court's seminal decision in relation to native title rights would pass into law in Queensland as it has in Australia. After listening to the last three speakers from the other side, I think there are still members of the Opposition who are having difficulty grasping the reality of the 1967 referendum in Australia which granted citizenship to Aborigines and Torres Strait Islanders. Listening to the contribution of the

member for Lockyer in relation to the right of pastoralists to be able to dispose of their properties and his concern about who should have the right to acquire those properties, it makes one think that in the mind of the member for Lockyer— even though I do not think it was actually in his mind—there should be some constraints on Aborigines and Torres Strait Islanders acquiring pastoral properties.

Mr Smith: I think that the member for Lockyer would be very concerned if he was not allowed to take a good offer from an Aboriginal or Islander group.

Mr BREDHAUER: He would not mind who was paying the money. Tonight, in the long run, that will be irrelevant to the debate as it goes on. I will come back to the issue of Aborigines and Torres Strait Islanders and pastoral leases a little later in my speech.

Firstly, I will talk about a number of the objectives of the legislation. I want to talk about some of the intentions of the amendments in the Bill and then come back to that issue of the relationship between the pastoral industry and Aborigines.

The first objective of this legislation is to amend the Native Title (Queensland) Act 1993 to reflect amendments made by the Senate to the Commonwealth Native Title Bill 1993. A number of members opposite have incorrectly claimed that we passed our legislation through this House in November of last year before the House in Canberra had debated it. In fact the representative House in Canberra, the House of Representatives, had considered the Native Title Australia Act and had passed that Act. Of course, it is history now that it went off to the Senate and it struck a few problems and had to be referred back to the House of Representatives just before Christmas. At that time, the Queensland Government was determined to show that it supported the initiatives that had been undertaken by the Commonwealth Government in good faith with Australia's indigenous people, Aborigines and Torres Strait Islanders, and, I might add, in good faith with industries such as the mining industry and the pastoral industry to attempt to seek redress to some of the uncertainties that existed in Australia over the implications of the High Court decision in relation to native title.

I might say in relation to that issue, and I agree that there are probably areas in which there is still some uncertainty, that Aboriginal and Torres Strait Islanders made a range of concessions in the round of negotiations about how the High Court decision would manifest itself in legislation and that those concessions that were made by the Aboriginal and Torres Strait Islanders should be recognised for what they were: an attempt to continue to be part of the Australian community whilst at the same time having their previously unrecognised native title rights to land recognised in legislation. I might just say also that by the High Court having determined and, in fact, altered the interpretation of the law of this country, Aborigines and Torres Strait Islanders, where native title still exists, have the same rights to land as anybody else. It is most improper and incorrect for people to suggest that Aborigines and Torres Strait Islanders have been given something more or something extra than that which other Australian citizens enjoy. In fact, what we have done through the High Court decision and through the passage of the appropriate legislation is elevated them to an equal footing in terms of recognition of their rights to land. In my view, it was a decision that was long overdue.

This Bill seeks to bring us into line with the amendments which were undertaken in the Senate and which, when we were debating this legislation 12 months ago, we indicated we would consider after the Senate had finished with the Bill.

The second objective of the Bill is to facilitate Commonwealth recognition of the Native Title Tribunal and so allow participation by Queensland in the national scheme established by the Commonwealth Native Title Act. In his second-reading speech on the Native Title Queensland Bill in November last year, amongst other things the Premier said—

> "The Queensland Bill that I have presented to this House today seeks therefore to recognise the Commonwealth legislation, once enacted, in Queensland. It is important to note here that the Native Title (Queensland) Bill 1993 does not result in the enactment of the Commonwealth legislation. Rather, the Native Title (Queensland) Bill 1993 operates in conjunction with the Commonwealth Native Title Bill 1993."

Paraphrasing the Premier, he said that the Bill will also ensure that the Queensland Native Title Tribunal is capable of accreditation to administer the functions set out in the Commonwealth legislation relating to arbitrating future grants. So when this legislation is passed and proclaimed, we will have a recognised body in Queensland to operate as the Queensland Native Title Tribunal.

We have been advised by the Commonwealth that the structure that we have proposed is acceptable for them to accredit under the terms of the Commonwealth Act. It is also important to remember that the

Commonwealth Act gives Aborigines and Torres Strait Islanders the right to choose whether to file a claim through the Queensland Native Title Tribunal or the National Native Title Tribunal. However, the option will be available to the people of Queensland to seek redress of their claims through the Queensland Native Title Tribunal.

The next objective to which I wish to refer is the objective to amend the Aboriginal Land Act 1991 to give effect to Cabinet decisions that affect the acquisition of the Starcke holding and appropriate amendments to the Queensland Aboriginal Land Act and the Torres Strait Islander Land Act. The Government has decided that a certain area of the Starcke holding should be available as transferable land to Aboriginal people as inalienable freehold title, or Aboriginal freehold. Under the existing Aboriginal Land Act, certain land may be gazetted as available for claim. This land may then be claimed by, and subject to, a successful hearing before the Queensland Land Tribunal and granted to Aboriginal people. Additional lands, largely those Aboriginal deeds of grant in trust and Aboriginal reserves in existence when the Aboriginal Land Act 1991 commenced, are available as transferable land to Aboriginal people without a claim being made. Those transferable lands can be granted more rapidly, or transferred to Aboriginal people, because they do not require recourse to a lengthy or costly claims process prior to the grant, provided the Minister is satisfied that appropriate negotiations and consultation has been undertaken with the Aboriginal people.

So, depending on the nature of the claim and the recommendations of the land tribunal, claimable land may be granted as Aboriginal freehold or leasehold land, but transferable land is always granted as Aboriginal freehold. The most appropriate mechanism to provide for the transfer of land as quickly as possible to Aboriginal freehold in relation to the Starcke holding is to have such land declared as transferable land. So we will make appropriate amendments to section 206 of the Aboriginal Land Act to allow for that to happen. Of course, in the interests of consistency, we will make a similar amendment to the Torres Strait Islander Land Act.

I want to talk now about the issue which, I think, is most contentious. It is certainly the issue that has attracted the most debate from the Opposition. I think that, at the moment, it is also probably the most contentious issue in the minds of the Aboriginal and Torres Strait Islander community in Queensland and more broadly. I refer to the objective to clarify the meaning of certain provisions of the Native Title (Queensland) Act 1993 and to correct certain definitions. I think that it is important we read clause 3 of the Bill, which inserts a new section 144B headed "Valid previous acts by State extinguish native title". It states—

"144B (1) In this section—

'previous act' means an act attributable to the State—

(a) that took place at any time during 1 January 1994; and

(b) that, apart from the Commonwealth Native Title Act and this Act, is not invalid to any extent irrespective of the existence of native title."

New section 144B (2) states—

"To remove any doubt, native title for land or waters was extinguished by a previous act that was inconsistent with the continued existence, enjoyment or exercise of native title rights and interests for land or waters."

The clause goes on to give the example of the pastoral lease. I can understand why that clause has caused some contention in the Aboriginal community. However, I have to say that that is essentially a declaratory clause in the legislation, which is intended to give a view to our understanding of the legal opinion in relation to pastoral leases in Queensland having been valid acts and having been inconsistent with the existence of native title.

I want to draw to people's attention an important point of clarification, which the Minister made in his second-reading speech and about which I had discussions with both the Premier and the Minister. I am most pleased that the Premier and the Minister were prepared to listen to my concerns that the clause in the legislation may not have been as clear in its intention as we anticipated. Consequently, in his second-reading speech, which members would know is important in terms of interpreting the Government's intention in relation to the Bill, the Minister stated—

"The provision would declare the State Government's understanding of the effect of pastoral leases on native title but would not in any way interfere with any persons's rights."

So it is important to recognise that the Queensland Government was not intending an attack on the native title rights of Queensland Aborigines or Torres Strait Islanders but was attempting to make clear its understanding of the

effect of the Commonwealth Native Title Bill in relation to Queensland pastoral leases.

I want to go on with that issue a little further because the members opposite seem to be paranoid about Aborigines and their relationship with pastoral lands. One of the members opposite, I think it was the member for Warrego, in his speech acknowledged the fact that in Western Australia, in South Australia and in the Northern Territory, Aborigines have had coexisting rights with pastoral leases for many years. One would have to recognise that that has been no great threat to the pastoral industry. The difference in Queensland is that, at least in recent times—and I am not an historian or a legal expert, but at least in recent times—Aborigines have not had similar rights reserved in relation to pastoral leases. However, earlier this year, along with the member for Warrego and a number of other National Party politicians, I attended a meeting in Coen. At that time, it was made clear that the intention of Aborigines, particularly in Cape York Peninsula, which is my experience so it is best that I confine my remarks in relation to them, is that they would seek the coexistence of their native title rights with pastoral leases—and that is what they are arguing in the Wik case—not to the detriment of people being able to conduct their grazing properties but to allow them things such as that which the member for Warrego and I think the member for Lockyer mentioned in their speeches. I refer to such things as being able to have access to pastoral properties for hunting, for the gathering of foods, medicines, other traditional activities and also for important ceremonies.

It is critical to recognise that the degree of alienation of Aboriginal people from their land throughout Queensland has been almost complete in many areas. However, at least in Cape York Peninsula in many places there are still elders within the Aboriginal communities who have retained the stories and the important ceremonies. In regard to recent generations—and I might just mention particularly the decision that pastoralists would have to pay wages to Aboriginal people who are working on their properties rather than work them into the ground for spuds, flour and maybe an old shirt occasionally—their association with the land has been disrupted to some extent. In many places we are in danger of losing that traditional process of handing down knowledge from elders to the younger members of the Aboriginal community. If we were to suffer that loss of culture, that would be a tragedy not just for Aborigines in Cape York Peninsula but for the Australian community generally.

The other point that is important to recognise in relation to the acquisition by Aborigines particularly of pastoral lands, whether that is in Cape York Peninsula, the gulf or anywhere else for that matter, is that one of the quite reasonable aspirations of Aboriginal people is that they would have the opportunity to get involved in industry and to generate an economy of their own so that they are not continually and almost totally reliant on Government handouts in one form or another.

I find it difficult to comprehend that members of the Opposition who are so often critical of the forms of assistance that are provided by Government to Aborigines and Torres Strait Islanders can, in the next breath, also be critical of attempts by Aborigines to develop industry and some economic base for themselves so that they can become less reliant on Government assistance. In Cape York Peninsula, in the north west and in a number of other places, the key industries for Aborigines will be cultural tourism and the pastoral industry.

It is not unreasonable for Aborigines to acquire pastoral land which they may then wish to operate in the pastoral industry. That is not a threat to the pastoral industry in Cape York Peninsula. That may not be true in every case. It may be that they will just wish to maintain killer herds on a few of the properties. But quite a few properties in Cape York Peninsula and in parts of the gulf have been maintaining not much more than killer herds for quite a while now. I do not think that it is unreasonable for Aborigines to use money that they have gained either through ATSIC, or subsequently through the land fund that the Commonwealth is currently attempting to establish, to acquire pastoral properties, and that should not be seen as a threat to the pastoral industry.

Aborigines and pastoralists have lived together in places such as Cape York Peninsula for 150 years. Much of the development in the pastoral industry in remote parts of Australia is due largely to the contribution of Aborigines, who worked, as I say, for peanuts. They worked for just a bit of flour and a few potatoes. Historically, they made a major contribution to the opening up of the cattle industry in Australia, particularly in rural and remote parts of the country. We should not be ashamed of allowing Aborigines the right to continue that interest in the pastoral industry as a form of generating revenue for themselves. So, far from seeing the acquisition of properties as a threat, I should think that pastoralists—and I know that most of the pastoralists in my area do not regard Aborigines as a threat—would be prepared to cooperate with them to establish viable enterprises on that land when they acquire it.

In conclusion, I find it interesting that we continue to be criticised as lackeys of Canberra for passing these amendments and having the legislation proclaimed. Similar legislation to this has already been passed in New South Wales, Victoria, Tasmania, the ACT and the Northern Territory, all run by conservative Governments. In South Australia, this issue is currently under discussion. Of course, Western Australia has taken the issue to the High Court. I have some concerns, and I recognise some of the concerns in the Aboriginal community, about this Bill, but I think it is important to Queensland's recognition of the intention of the High Court decision that native title be restored to Queensland's Aborigines and Torres Strait Islanders.

Mr STEPHAN (Gympie) (8.24 p.m.): This afternoon and this evening, it was interesting to listen to the debate and to the contributions of Government members, who seem to have the idea that the Opposition is trying to create dissent. That is certainly not the case at all. If any dissent is being created, it is coming from the Government side rather than from this side.

Mr Pitt interjected.

Mr STEPHAN: This is an accurate statement. I will follow up on some of these comments as I continue. For example, the member for Hervey Bay, Mr Dollin, made the comment that the Opposition is creating division. He was the first honourable member to make that comment. We are doing two things: firstly, listening to the electorates; and, secondly, listening to the concerns of the Aborigines themselves. Honourable members opposite are big on rhetoric, but they are not putting it into action.

The member for Mulgrave, Mr Pitt, made the comment that mining interests were aware of the legislation, and he hoped that they would be able to work with it. But he did not seem very confident when he made that statement. It seemed as though he was reading his speech and thinking, "I hope this is right. I think it is right. Trust me." The honourable member did not come across as being very confident when he made that statement.

Mr T. B. Sullivan: You are starting to sound as negative as Mrs Sheldon.

Mr STEPHAN: The voice from the deep seems to pipe in at some funny times. However, on this occasion the honourable member has chosen the wrong time to wake up.

The honourable member for Cook, Mr Bredhauer, has lived and worked in the Cape York area for quite some time. He made a comment by way of interjection when the member for Lockyer was speaking that a third of Cape York was under native title claim. The member for Cook said, "So what?" The member for Lockyer said that provided Aboriginals use and manage those areas in just the same way as every other Australian would manage them, we would have no problems with that.

Mr Bredhauer: That wasn't a reference to their claim. He was talking about the land that was under Aboriginal ownership. He said that a third of the land is under Aboriginal ownership, and I said, "So what?"

Mr STEPHAN: We are talking about the claims. There are two different aspects. There are ambit claims right throughout Queensland, which I will comment on later. There are claims that can be made over freehold or leasehold land, which can be utilised by the claimants in the same way as anybody else.

Mr Pitt: What level of claims would you be happy with—no claims?

Mr STEPHAN: I am not saying that there should be no claims at all. I am saying that, provided claims are made when leases run out and so on, there is no problem with anybody applying and competing in the same way, with encouragement from the communities in which they are living, whether it be the Aboriginal communities or the white communities.

Mr T. B. Sullivan: Do yourself a favour. Don't take any more interjections. You'll lose it.

Mr STEPHAN: I have not lost myself. If the honourable member is worried about that, that is his problem.

The member for Cook made the comment that Aborigines should be able to look after and manage pastoral holdings. My mind goes back quite some time to when Aborigines and Torres Strait Islanders had the opportunity of operating—and they did so for quite some time—the fishing industry in the Torres Strait. For example, York Island was operated quite successfully for a time, but then the wheels fell off. As I mentioned before, that is why we need to give encouragement to those who are taking part in these enterprises.

Mr Pitt: What you're saying is that they must succeed every time.

Mr STEPHAN: I am not saying that they must succeed every time, just as I am not saying that white communities must succeed every time. However, that community successfully exploited that opportunity for a long time. The point that I am trying to make is that it is, and has been possible, for them to be able to do that, and to do it very successfully.

I noticed also that in his second-reading speech the Minister went out of his way to demonstrate the continuing commitment to the preservation of native title on the one hand and the need within the community for certainty in relation to land administration and resources management on the other. The Government cannot handle that conflict.

Mr Beattie: Are you happy about that?

Mr STEPHAN: The member for Brisbane Central has a conflict that he is not handling.

What I am saying is that the issue goes much further than just what the Government is proposing here. Further on, the Government points out that the Bill has five major objectives. Firstly, the legislation will reflect the amendments made by the Senate. Secondly, it will facilitate Commonwealth recognition. There are two aspects in particular about which the Government is saying that, because the Federal Government has done this, we have to go down the same track. I am not too sure whether the Government can do that. Given the discussion and debate at present, it appears that we are not too far away from the Government.

Mr Keating has said that we have to toe the line, yet at the first opportunity, Government members are arguing with their Federal counterparts. Who are we to believe? The State Government claims that it supports the development of the Oyster Point site, yet the Federal Government has stopped that development.

Mr Beattie: What's this got to do with it?

Mr STEPHAN: It has a lot to do with this legislation, because it gives me the opportunity to point out how difficult it is for this Government to cooperate with anyone, even its own friends. Usually when the Government's friend Mr Keating says, "Jump", this Government says, "How high?"

Mr Beattie: I thought you mob would be supporting this.

Mr STEPHAN: I am trying to steer the Government in the right direction. In the case of Oyster Point, the Government is heading in a different direction from the principles outlined in the Minister's second-reading speech on this legislation.

Mr Pitt: What are you opposing, this amendment or the whole Native Title Bill?

Mr STEPHAN: I am urging the Government to encourage the Aboriginal community to lodge native title claims. However, I am opposed to the ambit claims that have been lodged throughout the length and breadth of Queensland, which have caused a great deal of heartache and concern. I take this opportunity to highlight some examples of those ambit claims to give members an idea of what people in the community have to put up with.

Of course, these ambit claims take many years to process, and in the meantime no projects can proceed. One newspaper article carried the heading "Mabo freezes progress". It stated—

> "A Mabo style claim on Fraser Island and The Great Sandy Straits almost resulted in the loss of a million dollar business from Rainbow Beach . . .
>
> The claim has put a freeze on the release of land in the area and could spell big problems for development in general on the Cooloola Coast.
>
> Sandy Strait Yacht Charters has been negotiating with the State Government . . . for a sea bed lease enabling the company to establish a permanent base on Inskip Peninsula . . ."

Because of the native title claim that has been lodged over that area, those negotiations have now been stalled.

Mr Pitt: To you, is every claim an ambit claim?

Mr STEPHAN: Many of the native title claims that are lodged are ambit claims, and those types of claims are not successful. If the member will listen for a little longer, I will outline the first case to be heard in Australia by the Native Title Tribunal in which the claim was not successful. It has taken years to resolve that matter.

The newspaper article continued—

> "Owner . . . was told by the Lands Department . . . a freeze had been put on all leases in the area because of the claim, and it could be . . . years before the issue was settled . . ."

The article states that recently the owner heard from the department that—

> ". . . the paper trail which proved he had been negotiating the lease . . . and had received 'implied approval before the claim was lodged', enabled the Department to go ahead and grant the lease."

However, that lease still has not been granted.

Mr Beattie: But you don't believe everything you read in the newspaper, do you?

Mr STEPHAN: I am citing that as an example. I am familiar with that case. I have spoken to the fellow concerned a number of times, and he is tearing his hair out. In fact, he has almost lost the same amount of hair as the member for Brisbane Central. The fellow still has

not been granted a lease. That is just one example. If the member does not believe me, I will take him by the hand and take him up into that region to show him what is going on.

Mr Pitt: Are there any claims that are acceptable to you?

Mr STEPHAN: People are lodging a claim—whether it be an ambit claim or not— over large sections of land. It is a pity that the member does not visit those areas to see how large some of those tracts of land are.

Mr Beattie: But this Bill is designed to support your argument. What are you on about? We're helping you.

Mr STEPHAN: My argument is that this Government is not doing anything to encourage development.

The Cooloola Shire has claimed that a Mabo-style claim has put a halt on residential development in that area. That claim will mean that there will be no more development of land for sale to the general public. Surely the member for Mulgrave would not claim that that is a positive situation. The Mayor of the Cooloola Shire has said that the situation is getting ridiculous, and so it is. A newspaper article on this topic stated that a Lands Department spokesman said that tenure histories involved searches of files on the land in question right back to white occupancy. If there is no indication of native title, approval for development is granted. However, if there is some indication, the matter is referred to Brisbane specialists where archival searches are carried out. These searches can take a long time.

Mr Beattie: We will speed them up.

Mr STEPHAN: How does the member propose to do that? This has been going on for years now. The member has been a member of this place for all that time, but now he is saying that the process could be speeded up. It is a pity that the Government has not implemented measures to allow that to occur.

Another article stated—

> "There are no plans afoot to develop more Crown land at Rainbow Beach . . ."

It is claimed that a Mabo-style claim is making it very frustrating for the people in that area. It must be borne in mind that many people want to live in that beautiful part of Queensland.

Mr Pitt: Do you think the Aboriginal people might be frustrated? Everyone else is frustrated, in your view. What about their frustrations? Don't you care?

Mr STEPHAN: What about everyone else's frustrations? The member is trying to create a division in our society. This Government is not encouraging development by the creation of such a division. We must work together. The fact that that division is being created is not helping anybody.

Another article carried the heading "Green light for aged units at Tin Can Bay". It stated—

> "Tin Can Bay land earmarked for a $1.3 million aged care facility has been cleared of native title implications.
>
> A community committee in Tin Can Bay hopes to complete the 20-bed aged person's hostel . . ."

That development has been held up for the last six months by native title investigations, but preliminary building plans have been completed and the project applications are set to proceed as soon as the lease has been granted. That project is set to proceed, but how long will we have to wait until the lease is granted? That organisation is not distinguishing between the black community and the white community and any other community. It wants to build a facility for the benefit of the community in general. That community organisation wants to get on with the job, but it is being frustrated at every turn.

I turn to outline the first case heard by the Native Title Tribunal. An article on that subject states—

> "A piece of Australian history was made at the Gympie Civic Centre yesterday when the first decision by the Australian Native Title Tribunal was handed down.
>
> For the past two days, the National Native Title Tribunal has been sitting in the Civic Centre . . ."

Mr Flood decided that the applicant, who wanted to change the location of a road, was able to do so.

I will spell out what he was trying to do. The matter involved a subdivision in which the existing road was in the wrong place. The man applied for a closure of the road in order to put in a new road about a chain and a half away to successfully complete his subdivisional plans. That subdivider was placed under enormous pressure and subjected to an enormous amount of extra cost and an enormous amount of concern just to reach the conclusion that he wanted to reach a couple of years earlier. As I said, that decision made history. It was one of the first decisions that was handed down by the tribunal. However, the problem was that it took the tribunal so long to reach a decision. That project is not finished yet and, unfortunately, similar claims are still being made.

I refer now to the Wondunna clan of the Butchulla tribe, which roamed the Cooloola region. It lodged a native title claim over 2 230

hectares of land. That clan has claimed the native title rights and interests to collect shells, fish and birds and gather what it needs on clan land and to carry out obligations to the land such as maintaining and ensuring continuity of the food chain. They want to be able to live in the same way as they lived 300 years ago, I suppose. Can any of us do that at the present time?

As I have said before, we need to be able to give encouragement to people, whether they be Aborigines or those who work in the community and decide that they want to take up a pastoral holding. They should be given the encouragement to do just that. From personal experience of working with Aborigines, I know it can be done, but it takes quite some time. I had the opportunity of having a fellow from an Aboriginal community on Cape York working on my farm for a few years, and I was fortunate to be able to work with him. However, I point out to members opposite that one gets more cooperation and assistance from such people if they are given cooperation and assistance in such things as handling tractors and planting machines. This young fellow could not do that work by himself in the short term, but after a couple of years he was able to make his mark. He has since returned to north Queensland and has been successfully carrying out his own business up there for the last few years. I congratulate him for that. However, that cannot be done unless they are given encouragement. Not all of them are able to manage a farm in the same way; they have to be encouraged to do so.

Time expired.

Hon. T. McGRADY (Mount Isa— Minister for Minerals and Energy) (8.44 p.m.): When I spoke in this House almost 12 months ago in support of the Native Title (Queensland) Bill 1993, I pointed to the need to provide a legislative framework that would allow Queenslanders to face the future with certainty and with confidence. As my colleague the Honourable Geoff Smith, Minister for Lands, affirmed in his second-reading speech on this Native Title Amendment Bill 1994, the Queensland Government is committed to the protection of native title and to the need within this community for certainty in relation to land administration and resource management.

The Commonwealth Native Title Act 1993 is framed on the premise that the States will introduce complementary native title legislation that is consistent with the Commonwealth Act in respect of the validation of past acts, future acts which could affect native title, and processes for the determination of native title. By introducing complementary legislation, the Queensland Government will establish its authority on native title matters and will take maximum advantage of the provisions of the Commonwealth Native Title Act 1993, which enabled the integration of certain requirements of that Act with State mining legislation. This approach will maintain an efficient and comprehensive regime for the management of mineral resources within the Queensland legislation and will give effect to the Queensland Government's commitment to protect the rights of native title holders.

This Government's approach to native title is in stark contrast to that of those opposite. This Government is not into misleading scaremongering. The Queensland position is made clear in the State legislation and demonstrates a clear commitment to establishing a practical regime to ensure a balance between the rights of miners, land-holders and Aboriginal and Torres Strait Islander people. It is disappointing that, in a debate over an issue as important as native title, some members opposite have sought to reduce the debate to misinformed rhetoric. This Government takes a totally different approach. This Government is committed to ensuring that Queenslanders are not led in this debate by colourful rhetoric and scaremongering, but instead are provided with legislation which guarantees certainty right around this State.

It is proposed that, in relation to native title lands, and in accordance with the intent of the Commonwealth and Queensland native title legislation—

> exploration permits and other classes of acts having minimal effect on native title will be excluded from the requirement to negotiate on access to land;
>
> State processes for grants of mining leases and other activities with significant disturbance will substitute for the Commonwealth "right to negotiate" process; and
>
> Wardens Courts will substitute for the National Native Title Tribunal in the determination of applications for matters relating to mining.

I am encouraged by the progress achieved in discussions between Queensland and Commonwealth Government officials on the details of these proposed future arrangements.

The Native Title (Queensland) Act 1993 and this Bill enable a native title regulation to modify the application of Queensland mining legislation to native title in compliance with the requirements of the Commonwealth Native Title Act 1993. The first objective of this Bill is to amend the Native Title (Queensland) Act 1993 to reflect amendments made by the Senate to the

Commonwealth Native Title Bill 1993. The enactment of the State Act in December 1993 has stood Queensland in good stead. The enactment of the Native Title Act at that time demonstrated Queensland's commitment to protect native title, to join a national scheme, and to retain jurisdiction for land and resource management in this State. The early passage of the State Act demonstrated the Queensland Government's intent to the Queensland community and to the Commonwealth Government. Importantly, this action has facilitated negotiations with the Commonwealth, which will lead to recognition by the Commonwealth Government of the Queensland Native Title Tribunal and the jurisdiction of Wardens Courts, as well as determinations that alternative State processes which are consistent with the Commonwealth Native Title Act 1993 apply to exploration and mining in this State.

It is now time to remove the discrepancies between the Commonwealth Native Title Act 1993 and the Native Title (Queensland) Act of the same year. The amendments contained in Schedule 1 are those that are consequent upon the amendments made in the Commonwealth Parliament. These amendments, which correct references to the Commonwealth Act and bring various provisions and procedures into line with that Act, do not relate directly to mining. The amendments contained in Schedule 2 of the Bill clarify the meaning of certain provisions of the Native Title (Queensland) Act 1993 and correct certain definitions and drafting errors. Among other things, these amendments clarify the intentions of the Queensland Government in relation to the jurisdiction of the Queensland Native Title Tribunal and Wardens Courts as recognised State bodies, and clarify the intended role of assessors in the Wardens Court process. It also clarifies processes for compensation applications and compensation entitlements. It also clarifies that, for the purpose of State mining legislation, native title holders will have rights equivalent to ordinary title holders, and it will clarify the intent of the Queensland Government to ensure that State mining legislation gives effect to the objects and provisions of the Commonwealth Native Title Act 1993.

I now return to the intention of the Queensland native title legislation to provide certainty for all Queenslanders. The Bill includes a new section to provide certainty about the extinguishment of native title by valid previous Acts that were inconsistent with the continued existence, enjoyment or exercise of native title rights and interests. This provision makes particular reference to pastoral leases which in Queensland operate to extinguish native title.

The reasons for taking this position were explained in the Minister's second-reading speech. Apart from enabling the Queensland Government to deal with confidence in land which was or had been the subject of a valid pastoral lease, this declaration will provide the community generally, and especially pastoralists, the mining industry and Aboriginal and Torres Strait Islander people, with greater certainty about the extinguishment of native title by valid past Acts.

The effect of this declaration will be to settle concerns and expectations in my Mount Isa electorate and others and so enable investment and general land management decisions to be made with confidence. In summary, this Bill will enable the State of Queensland to retain a significant role in dealings related to native title as envisaged in the Commonwealth Native Title Act 1993. It will enable the Commonwealth recognition of a Queensland Native Title Tribunal and accreditation of simplified alternative Queensland provisions in respect to exploration and mining on native title land. It will also firmly establish the Queensland position on native title and facilitate the finalisation of future arrangements, including alternative State provisions for mining, and it will provide greater certainty for all Queenslanders about the effect of valid past extinguishments of native title.

The performance of the coalition and the Greens at a Federal level was an absolute and utter disgrace and it has brought a tremendous amount of uncertainty into this native title debate. I support this Bill, and I certainly support our Government's approach to native title.

Mr BRISKEY (Cleveland) (8.53 p.m.): Last year, I visited Borallon Correctional Centre during National Aboriginal and Islander Day Observance Committee Week to speak to and meet with the Aboriginal prisoners of the centre and their families. Whilst there, I had the opportunity to view many pieces of art painted by Aboriginal artists who were incarcerated within the correctional centre. I was so impressed with these works that I decided to purchase one of the artists' works. I now have this work hanging in my electorate office, and it is often commented on by constituents who come to see me.

The artist who painted this work was Earl Sandy. Earl only started painting a little over two years ago and in that short time he has created many beautiful pieces. From 7 December, Earl and many other Aboriginal artists who are prisoners within correctional centres in the south east of Queensland will exhibit their works at Fireworks Gallery in Brisbane. The first Queensland Indigenous Artist Conference at Yarrabah in 1992 recommended that there

should be greater attention to and consolidated support for indigenous artists in prison.

Fireworks Gallery enables Aboriginal and Torres Strait Islander people to access professional gallery space and to learn the ropes of curating and managing exhibitions. Earl Sandy, as curator of this exhibition, has advised me that between 40 and 50 pieces by 15 artists will be on display at the gallery for two weeks from 7 December.

This is a great opportunity for these artists. Every artist knows what it is like to have his or her work on display. I am sure that those prisoners who will be showing their works in an exhibition open to the public will be proud of having their works exhibited. Many prisoners go to gaol with few skills and when they leave many have no other way of supporting themselves but to become involved in criminal activity again. I take this opportunity to congratulate those involved in ensuring that prisoners acquire skills whilst in our correctional centres in Queensland so that when they leave the centres they have the necessary skills to get work and therefore will not need to reoffend.

Art is one of those skills that the prisoners are learning in Queensland correctional centres. I have been advised that at the Sir David Longland Correctional Centre there are 30 artists, and a further 10 who have their names down to learn.

Mr Johnson: What has this got to do with the Native Title Bill?

Mr BRISKEY: If the member digs deep into the Bill before the House, he will find it is about ensuring that Aboriginal and Torres Strait Islander culture is recognised and will continue, and part of that culture is the art of those people. This will also be the case in other correctional centres where prisoners learn and create works of art and where many who have never thought about art have discovered talents that were hidden until they received tuition and encouragement.

I take this opportunity to congratulate Earl who, as I said, is the curator of this exhibition, for putting it all together. Earl is also an executive member of the Incarcerated Peoples Cultural Heritage Aboriginal Corporation—IPCHAC. It is this corporation which has organised this art exhibition. The aims and objectives of IPCHAC are to stop the rising rate of imprisonment and to stop the recidivism rate of Aboriginal people through culturally based and appropriately managed programs. As Earl says, "IPCHAC emphasises responsibility to ourselves and to our Aboriginal community."

At this IPCHAC-initiated art exhibition, works will be exhibited by artists from the Sir David Longland Correctional Centre, Borallon Correctional Centre, Wacol Correctional Centre, Moreton Correctional Centre and the Brisbane Women's Correctional Centre. The exhibition is to be opened by the Honourable Paul Braddy, Minister for Police and Minister for Corrective Services, on 7 December. I urge all honourable members in the south-east corner of Queensland to visit this exhibition at Fireworks Gallery, 336 George Street, Brisbane, between 7 December and 14 December and thereby show their support for these indigenous artists and their works of art.

As IPCHAC has said, "This is a rare opportunity to experience Aboriginal prisoners' artworks." I know it will be a great success and, once again, I congratulate all those involved, especially those artists who will have their works on display. I especially congratulate Earl Sandy, who is not only an outstanding artist but also a man who is working very hard to put together this exhibition. I hope that, through this exhibition and the many more yet to come, IPCHAC will achieve its objectives and keep indigenous people out of prison.

Hon. G. N. SMITH (Townsville— Minister for Lands) (8.58 p.m.), in reply: I thank all members for their contributions. I wish to thank the Government members for their positive contributions and the Opposition members for speaking to the Bill. This is an important Bill, and I think it is important that all members of this House are well informed about it. I think some people have done their homework and others have not.

First of all, I would like to make a couple of general comments. I made a very detailed second-reading speech which dealt at length with many of the matters raised tonight, and I am not going to repeat that. I would like to make the point that complex arguments such as we have before us tonight are rarely clear-cut. It is very difficult to be precise and to say with absolute certainty what is right or what is wrong. The truth is that many of these matters are really a decision based on the balance of evidence or the weight of argument.

Another matter I would also like to mention at the outset is the undoubted commitment of this Government to improving the lot of Aboriginal and Islander people. Whatever people might like to think, I believe that we really have the runs on the board in that respect.

I was particularly interested in a couple of comments tonight which seemed to suggest that the fact that Aboriginal and Islander people might gain control of grazing properties could be a negative thing for the grazing industry. Earlier this year, I spent a couple of days at Delta Downs, up in the cape, with my regional director and

other officers on a property run by Aboriginal people. It was an eye-opener. I just wish that more people could see how well that operation works.

It is important that, later in the debate, I correct some of the misinformation that Opposition members dished out. However, before doing so, I will cover the contributions of Government members, and not necessarily in the order in which they spoke. There are some special relationships that I would like to touch on. First of all, Mr Bredhauer is a member of my parliamentary Lands Committee. He has a great interest in this matter and tonight he again demonstrated his understanding and depth of knowledge on the subject. The honourable member correctly expressed concerns about declaratory statements. I understand those concerns. He has discussed them with me at length. I assure honourable members that Mr Bredhauer has been a very forceful advocate for the Aboriginal and Torres Strait Islander people, and he does a very good job.

The honourable member also, importantly, put into perspective what really happened when the legislation was being introduced in 1993, namely, that the people's Government of Australia, through the House of Representatives, was quite unambiguous in its requirements. On Christmas Eve, a great number of amendments—which we have to wear but which do not necessarily add to the value of the legislation—were inflicted on the Government by the Senate.

Mr Dollin is another member of my committee. I appreciated his comments on the various tenures under which land is held and his acknowledgment of the legislation's ability to assist in the transfer of lands to Aboriginal and Torres Strait Islander interests.

Mr Pitt, the chairman of the Premier's rural task force and a man from far-north Queensland who has very close contact with the Yarrabah community, spoke very forcefully about important matters of social justice. I know from very recent experience that he is held in very high regard by the people he represents. He talked about the sense of security, the importance of that and the difficulties caused by uncertainty. He spoke also of the important economic aspects of this whole issue. He also touched on the DOGIT areas, which we are addressing.

My ministerial colleague Mr McGrady made quite a valuable contribution, particularly focusing on his specialist knowledge of mining matters. I believe that his comprehensive comments probably relieved me of the necessity of going into that aspect in much greater detail.

Mr Briskey perhaps did not address the Bill directly, but he has shown an ongoing commitment to Aboriginal people. I know that he has many Aboriginal and Islander friends. He also has a particularly close association with some of the people on Stradbroke Island. I have been aware of that for a long time.

The thing that I should restate, even though it has been touched upon tonight, is that this Bill is very technical. We are not re-running the native title debate; we are fixing up some of the technical aspects brought about by the amendments made by the Senate and, secondly, moving some amendments to Schedule 2 that result from negotiations with the Commonwealth about the Queensland tribunal to be set up and to better enable the Aboriginal Land Act to operate in conjunction with native title legislation to simplify its operation.

Turning now to the Opposition's speakers—Mr Hobbs' first question was: does the Parliament have before it all the amendments necessary to enable a proclamation? My response to that is that these amendments are all that is necessary to enable proclamation; nothing further needs to be done. Mr Hobbs' second point was his reference to the Government following the Commonwealth legislation about compulsory acquisition. He alleged it had left uncertainty. The fact is that, under the legislation, native title is subject to the same legislative regime as freehold. Capital works in this State would not have been, and will not be, delayed by native title.

The member spoke of section 153 of the legislation and stated that it does not address the concerns of the mining industry. I believe that my colleague the member for Mount Isa adequately addressed that assertion. However, I would add that the Queensland Government has a commitment to continued development of Queensland's mining industry. I note that the honourable member did not quote anyone from the mining industry. If he had, I would be very interested to hear that person's name or the name of the organisation, because I do not believe it exists.

Mr Hobbs also spoke about pastoral leases that are subject to native title claims. Legal advice to the Queensland Government, the Federal Government and the National Farmers Federation is that pastoral leases will extinguish native title. The guidelines issued by the Native Title Tribunal state that claims over pastoral leases in Queensland will not be accepted. Despite this, Aboriginal people are entitled to have their day in court. In that regard, Opposition

members are simply using an academic argument.

There was also an allegation that the pastoral industry has been deceived. I note that the Opposition spokesman did not quote anyone from the pastoral industry or any of its organisations.

Mr FitzGerald: Why? Do you want to get into them, do you? You wouldn't do that, would you?

Mr SMITH: I am simply saying that it was a very rhetorical type of speech. It contained no hard evidence to the effect that any particular organisation had any significant concerns. I thought the honourable member's contribution was rather shallow. My understanding—and I have regular meetings with industry—is that the industry is very happy with the way the Government has handled the process.

The honourable member also asked why the Government did not stop the inclusion of section 47 relating to pastoral leases and the right to negotiate provisions in the Native Title (Queensland) Act 1993. Those provisions were included by the Senate. They are now the law of Australia. The Queensland Government will obey the law. We are not saying that those amendments actually add value to the legislation, but they are there by virtue of the Senate amendments. Other Governments in Australia intend to do the same thing. That is probably a good point. People fail to pick up on the point that the remaining eastern States, namely, Tasmania, Victoria and New South Wales, are proceeding down the path of this legislation and will probably all have it in place before Christmas. Remembering that those other three eastern States are under the administration of conservative Governments, I find some of the comments made here tonight rather remarkable.

Mrs Sheldon made what I would say were some waspish remarks. Mr Nunn summed it up very well when he said that she had about as many policies as a frog had feathers. I really do not know what else I could add except to say that, once again, her contribution stretched her credibility in this place, and by and large it was useless.

Mr FitzGerald is a sensible man. I believe we on this side of the Parliament acknowledge that. However, he did go on with a bit of rot about Aboriginal people buying up the cape. I have said before that the Queensland Government is committed to the pastoral industry. That is why it is introducing the pastoral lease amendment. If pastoralists choose to sell to Aboriginal people, that is a matter for their own business interests. The Queensland Government will expect them to be run as pastoral properties.

Mr FitzGerald: Will it always stay available to be bought back by other people?

Mr SMITH: Yes.

Mr FitzGerald: Can they be converted to native title? That is basically the question.

Mr SMITH: Yes, they can be. I hear people arguing very passionately in this place about their right to do with their land as they wish. If people in the cape who have properties wish to dispose of those properties to Aboriginal interests, so be it. I made the point about Delta Downs, and I reiterate the point that, in Delta Downs, we have a very efficiently run Aboriginal cattle property. There are others throughout the State. I am sure that those concerns are unfounded. The honourable member made a point about Batavia Downs, which was a DPI property. I was not quite sure what were his concerns. Nevertheless, I did not think that it added much to the debate.

Mr Stephan is a decent fellow. I am not sure what he was on about, but I am sure he meant well. I did pick up his concerns about claims for native title in the area of Wide Bay. My response to that is this: the advent of native title has just added one further step to the processes that my department has to undertake to ascertain the correct procedures for dealing with any parcel of land. We have a Native Title Tenure Unit. I thought that everyone in this place would have known that by now. It is a very important job; it is something that cannot be rushed. It will be done thoroughly. I want to stress, as I have stressed before, that this Government will take every step possible to ensure that native title is not inadvertently extinguished. I hope that answers Mr Stephan's question.

Finally, the amendments to be moved by me in Committee are small. They relate to a number of drafting errors. They have no substantive effect. The amendments to be moved by the Opposition—I will say this up-front so we do not waste time down the track—would breach the Commonwealth native title legislation and would, therefore, be unconstitutional and unlawful.

Motion agreed to.

Committee

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

Clauses 1 and 2, as read, agreed to.

Mr FITZGERALD (9.13 p.m.): I move the following amendment—

Insertion of new clauses—

"At page 4, after line 6—

insert—

'Amendment of s 11 (Category A past acts that are public works)

'2A. Section 11—

insert—

'(4) In this section—

"public work" includes—

(a) land dedicated, notified or declared under an Act to be a road or railway reserve; and

(b) land declared under an Act to be a stock route or reserved and set apart for, or dedicated to, stock route purposes.'.

'Insertion of new s 47A

'2B. In Part 7, Division 3, before section 48—

insert—

'No re-opening of issues previously decided (NTA s 40)

'47A.(1) This section applies if—

(a) an arbitral body is making a determination in relation to an act consisting of the creation of a right to mine in an area; and

(b) an agreement, or a determination by an arbitral body, under Part 2 (Native Title), Division 3 (Future acts and native title), Subdivision B (Right to negotiate) of the Commonwealth Native Title Act involving the same negotiation parties was previously made in relation to a permissible future act consisting of a right to mine in relation to the same area; and

(c) an issue was decided in the agreement or during the inquiry.

'(2) The arbitral body may grant leave for the negotiation parties to seek to vary the decision on the issue only if there has been a material change in the circumstances relating to the issue.

'(3) This section has effect despite anything else in this Act.'.

'Amendment of s 153 (State Mining Acts apply with prescribed changes)

'2C. Section 153—

insert—

'(3) In addition, a regulation may be made to ensure that the granting of exploration permits and mining leases under the State Mining Acts are expedited by—

(a) requiring the payment of amounts on account of compensation before the grant of permits and leases subject to the subsequent determination of compensation under the Commonwealth Native Title Act; and

(b) permitting the Public Trustee or another appropriate person to represent any native title holders if—

(i) there is doubt about whether native title exists or the identity of the native title holders; or

(ii) the native title holders cannot be found.'.'."

This amendment is a lengthy one and it covers a number of aspects. It has parts 2A, 2B and 2C. We have incorporated them into one amendment so that Committee can decide on the three of them at once. The Minister has already indicated that it may not be acceptable to him. As the Committee is well aware, this Bill has only three clauses and the rest of it contains the Schedule. I will give my reasons for moving these amendments. In relation to first part of the amendment, 2A, the briefing note states—

"The purpose of this amendment is to put the effect of the dedication of road and railway reserves and stock routes on native title beyond doubt.

Under section 229 (4) of the Commonwealth Native Title Act the construction or establishment of certain public works are 'category A past acts'. Under section 15 (1) (b) of the Commonwealth Act, the construction or establishment of a public work of the relevant type extinguishes native title, but only in relation to the land or waters on which the public work was or is situated (see also s 11, Queensland Act).

Section 253 of the Commonwealth Act defines a public work to include a road, railway or stock route."

We are trying to remove a grey area because we believe that in the future there will be some problems about exactly what is meant by this area, so we are trying to define it better. I think that the draftsman has come up with a good form of words. I have been assured that it will establish to a greater degree of accuracy the exact intent of the Bill. It is not going against the intention of the Bill; it just better defines the Bill. The briefing note continues—

"The amendment proposes to add a new subsection (4) to section 11 of the Queensland Native Title Act. This section deals with the effect of the validation of certain past Acts that are public works."

A note follows, and it states—

> "If the Commonwealth Native Title Act is valid, the proposed amendment will be either unnecessary or probably inconsistent with provisions of that Act and invalid under section 109 of the Commonwealth Constitution to the extent of the inconsistency."

The Minister said before that it would be unconstitutional to amend the Act in a way that was inconsistent with the Commonwealth Act. This Committee knows well that it is only valid to the extent of the inconsistency. That is the point: the whole Bill is not inconsistent, only to the extent of that inconsistency. The briefing note continues—

> "The new subsection defines public work to make it clear that native title is extinguished for all the land dedicated etc. to be a road or railway reserve or stock route, and not just the land forming the actual surface of the road, railway or stock route."

That is quite simple.

The second part of this amendment that I am moving is 2B. The background briefing notes state—

> "Under section 40 of the Commonwealth Act an 'arbitral body' (see s 27 of the Commonwealth Act and s 27 of the Queensland Act) acting under the right to negotiate procedures of the Commonwealth Act can give leave to re-open issues previously agreed or decided in proceedings about the creation of a right to mine. The Commonwealth Act does not restrict the right of an arbitral body to give leave.
>
> The amendment proposes to insert a new section 47A into the Queensland Act.
>
> [Note: This amendment is probably not inconsistent with the Commonwealth Act because section 43 of the Commonwealth Act clearly contemplates agreement to alternative provisions by the Commonwealth Minister.]
>
> The new section permits the arbitral body to grant leave to seek to re-open a previous decision only if there has been a material change in the circumstances about the relative issue."

In the second-reading debate, the Minister did mention section 153 of the Queensland Act.

The third part of the amendment is very important. The background briefing notes state—

> "Section 153 of the Queensland Act allows the making of regulations to ensure that State Mining Acts are consistent with the Commonwealth Native Title Act. (For the meaning of 'State Mining Act', see s 4 of the Queensland Act.)"

That definition states the various Acts involved: the Petroleum Act, the Mining Act and other Act by regulation. From memory, I think that is the definition. The briefing note continues—

> "The amendment proposes to add a new subsection (3) to section 153.
>
> [Note: The proposed subsection is valid, but regulations made under it may be inconsistent with the Commonwealth Act and invalid depending on their subject matter.]
>
> The proposed subsection will authorise the making of certain regulations to ensure the granting of exploration permits and mining leases are not delayed by the possible existence of native title. Compensation payments could be required before the grant of permits and leases subject to the subsequent determination of compensation rather than being delayed while native title issues are resolved. The Public Trustee (or another appropriate person) could be permitted to represent native title holders if there is doubt about native title holders."

I understand that, in the Mineral Resources Act, under section 7.40 there is a similar existing procedure.

If the miners want to go ahead and explore or mine and there are a number of claims over the land, and it has not been decided yet who owns the land, if it is subjected to a native title claim, the miners could then be permitted to go ahead under certain circumstances and pay the compensation. That compensation is put aside—either the Public Trustee or another suitable body would have it—and the miner could go ahead and do the mining. It is not held up by a court case, because a couple of groups might be making a native title claim on that land. Everything is not held up until the owners of the land are known. When we know who the owner of the land is, then the mining company would probably have to comply with certain conditions and could have the right to go on and mine.

These are important little issues. The amendment is tidying up the edges of the legislation. It is not opposing the legislation; it is saying that we believe that this is removing some grey areas. The Minister is going to say the mining industry has not complained. The mining

industry was concerned about these issues in the past. It has done a lot of deals. It thinks that it has done reasonably well and that it has got the best deal that it could out of the Government. It is not going to stand up and rock the boat.

The Opposition is going to stand up for the industry. It does not take anything away from the native title claimants to that land. I want to make that quite clear. The industry is not taking anything away from them; it is trying to make the procedures under these three circumstances more certain. We just cannot afford to have miners having a map in front of them that looks like gorgonzola cheese. They can look here, but they cannot look there because a land title claim is being made on that land. It is not open slather. Less and less land is becoming available for the miners to look at. Mining is one of the bases of our economy. It is one of the pillars of our economy. We just cannot have the map that miners use looking like a slice of Swiss cheese.

I know that the Government knows that there is a problem, and it is concerned about it. As I said, the Opposition is not taking anything whatsoever away from the Aboriginal communities or from the Islander people. What the Opposition is doing is saying that it wants to help the miners, but not to the detriment of anybody else. I believe that the Minister should consider these proposed amendments seriously. They have been considered carefully, and if the Chamber accepts them, they will not weaken the legislation but will strengthen it.

Mr SMITH: I would have thought that the honourable member, being a member of this place for as long as he has been, would well understand that any amendment to this particular section would be invalid because it does not conform with the Commonwealth Act. I have made that point quite clear. So regardless of whether it has value or whether it adds clarity, the fact is that it would be invalid. That is the point.

I say also that the Queensland Government has stated consistently that native title does not pose a threat to roads, railways or stock routes, yet again, the Opposition, through the member, has displayed its lack of understanding as to how the State can act to give effect to the Commonwealth legislation. I am sure that is something that is just not accepted on the Opposition side of the Chamber.

However, to enlighten members opposite, let me remind them that the definitions relating to past acts, including category A past acts, have been set by the Commonwealth. They are part of the law of Australia relating to native title and any attempt by this State or any other State to ignore these definitions would be invalid.

Mr FITZGERALD: There is a fundamental legislative principle: this is the Parliament of Queensland. We recognise the right of the Commonwealth Government to make legislation. We recognise that the validity of legislation is determined by the High Court. We are not backing away from any of those things, but the Minister should not come in here and tell us that because the Federal Government has passed legislation, we should not be doing anything in this Chamber that is inconsistent with it. We in this Parliament have the right to pass legislation. The High Court may decide that some of it is invalid. So be it. However, we pass our own legislation. Otherwise, why do we not just have a regional representative of the Government—just a bureaucrat sitting here in Brisbane and passing the legislation that is handed down by Canberra? This is a sovereign Parliament. We have certain rights and we have the right to legislate for Queensland. I think that it behoves any Minister of the Crown to stand up for Queensland and not say, "We have to implement the Commonwealth legislation exactly the way it is." From the way the Minister is talking, he sounds as though he wants to do away with State Governments altogether and to have the Federal Government controlling us, the same way as Federal Ministers are using the powers of the Federal Government, along with international treaties, to overrule the States. This is starting to go on and on. I can see that this Parliament is gradually being eroded, and the Minister is aiding and abetting that movement. The Minister does not recognise our rights in this State as sovereign people and as elected members of this Parliament to stand up for Queenslanders. That is what the argument is all about.

Mr SMITH: In response, I would have to say that that sounded very much like a Bjelke-Petersen argument. The member has to understand that Queensland, along with the other States, is introducing mirror legislation. We are obliged to do that if we wish to take part in the compensation arrangements and other matters that have been set up by the Commonwealth. There is, in fact, no room to move. I think that the member is well aware of that. I believe that my position is clear, and I do not intend to waste the time of the Chamber any further in pursuing the matter.

Mr HOBBS: I think that this particular amendment really clarifies the issue. A while ago, the Minister mentioned that the proposed amendment was inconsistent with the Federal legislation. I ask the Minister: exactly where and in what instances is the amendment totally inconsistent with the Federal legislation? Also, where is it inconsistent with the needs of the people of Queensland? They are the ones who

want this legislation. These are the people who need clarification as to whether they have security over stock routes and security over their land. Where is that inconsistency in relation to the Federal legislation? Why can we not look very seriously, in a bipartisan way, at this amendment before the Chamber tonight?

Mr SMITH: It is taking a very long time for the message to get through. However, let me restate that this Parliament does not have the authority to legislate to alter the existing Commonwealth law. I must remind the Opposition that the Commonwealth Native Title Act 1993 is a law of Australia. No State, including Queensland, can act to change a Commonwealth law—a fact acknowledged by other States. As I have said before, the amendments are unacceptable and I do not propose to pursue the matter any further.

Mr HOBBS: The Minister did not explain to the Committee where the amendment is inconsistent. If the Minister could tell us where it is inconsistent, then we could debate it. Where is that amendment inconsistent with the Commonwealth legislation?

Mr SMITH: It is my intention not to pursue this matter any further.

Question—That new clauses 2A, 2B, and 2C be inserted—put; and the Committee divided—

AYES, 25—Beanland, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Healy, Hobbs, Horan, Johnson, Lingard, Malone, Mitchell, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Watson *Tellers:* Springborg, Laming

NOES, 47—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Briskey, Budd, Burns, Campbell, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Nunn, Nuttall, Palaszczuk, Pearce, Power, Purcell, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Warner, Welford, Wells, Woodgate *Tellers:* Pitt, Livingstone

Resolved in the **negative**.

Clause 3, as read, agreed to.

Schedule 1—

Mr HOBBS (9.34 p.m.): There are quite a few issues in relation to the Schedule that need to be canvassed. Due to the fact that all of the issues are being covered in one application, I would like the Minister to take some note of and perhaps try to answer as many of my questions as he possibly can. I will cover quite a few of the points. Firstly, I refer to the Schedule, which states—

> "2. Section 4—
>
> . . .
>
> 'compensation application' means an application made under section 29 (Native title and compensation applications) for the determination of compensation."

I ask the Minister: who will pay, and how much and what percentage will they pay? Why amend legislation when we still do not know who is going to pay or how much they will pay? What is the Minister asking Queenslanders to compensate for in this instance?

Mr Mackenroth: Trust us.

Mr HOBBS: "Trust us", says the Leader of the House. Unfortunately, we do not, nor do many other people. We are giving the Government a total open cheque. The Government does not know what it is up for. It is asking us to support legislation, and one day down the track, whenever it may please the Government, or whenever it can try to sort it out, the Government will fix up the account. We want to know who is going to pay that account and how much it will be. Why does the Government want to pass this legislation when it has not yet proclaimed the previous legislation?

Mr Smith: What page number?

Mr HOBBS: I mentioned it before. I am referring to page 5, and to compensation applications. I want to move on to page 6, which states—

> "6. After section 13—
>
> . . .
>
> 'Effect of extinguishment . . .
>
> 'An extinguishment under this Division does not by itself confer a right to eject or remove any Aboriginal persons who may reside on or who exercise access over land or waters . . ."

For example, take a Cape York pastoralist. Presently, in many cases, Aboriginals have an arrangement with pastoralists to fish and so on. If the need arose, how would those people be ejected? Does the Government really honestly think that could be done? Can the Minister tell the Committee how it would do that? Why would the Government want to put this provision in the Bill if it cannot be carried out? That is the second point.

Thirdly, I refer to page 7, which states—

> " 'Effect of confirmation under Part (s 212 (3) NTA)
>
> '18A. Under section 212 (3) (Confirmation of ownership of natural resources, access to beaches etc.) of the Commonwealth Native Title Act, a confirmation under this Part does

> not extinguish or impair any native title rights and interests . . ."

The Native Title Act has been confirmed, and people have access. Under that legislation, access will not be denied. So how will the Government suspend public access to beaches? What will that mean? For instance, I refer to places such as Starcke or Lakefield, which do allow access to beaches. I just want to know how the Government will enforce that. It includes tidal areas as well. We would be rather intrigued to know about that. We would like the Minister to answer those questions.

I refer also to page 15, which states—

> "35. Section 150 (2)—
>
> . . .
>
> '(2) To the extent that they are relevant, the criteria for the determination of compensation . . ."

In his second-reading speech, the Premier said that there would be no proclamation until compensation had been sorted out. Again, the question is: who will pay? How can the Government do this? How can this be put into legislation when the Government does not know where it is going with it? I now move on to page 17——

Mr Smith: Do you want to stop there or press on?

Mr HOBBS: I will stop there to allow the Minister to answer those questions.

Mr SMITH: Firstly, as to Schedule 1, the amendments consequential on amendments to the Commonwealth Native Title Bill 1993—amendments No. 1 and No. 2 correct certain definitions and were Senate amendments. As I said to the honourable member before, the merit or otherwise of these things is irrelevant. They are part of the law of Australia. They are there as a result of amendments moved in the Senate. I am not here to debate those things. That particular one was not put in place by the House of Representatives; it was put in place by the Senate.

The next point raised by the honourable member related to amendment No. 6, which inserts a provision to bring the effect of extinguishment under the Native Title (Queensland) Act into line with the provision in the Commonwealth Native Title Act. It is as simple as that. The third point that the honourable member raised was the confirmation under Part 213, that is, amendment No. 11. That provides that the confirmation of certain rights in Part 3 of the Native Title (Queensland) Act does not operate to extinguish or impair native rights or affect interests in land or waters conferred under a law for the benefit of Aboriginal people or Torres Strait Islanders.

Mr HOBBS: I will move to Schedule 2 at page 17. In part, the preamble states—

> ". . . held that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates."

That point suggests that the Government can control issues over pastoral leases. The Minister knows and I know and the evidence is that that is nonsense. That cannot be done. The National Native Title Tribunal has already accepted claims over pastoral leases. This matter is being debated in the Federal Court and it is beyond Queensland's control. Basically, the genie is out of the bottle. How can the Minister say to the people of Queensland that this Act is consistent, when in fact it is not?

I move to page 18. Part 5 (2) states—

> "Division 2 . . . does not affect a reservation or condition mentioned in subsection (1) (a) or rights or interests mentioned in subsection (1) (b)."

That is really an admission of defeat. The gate has been shut. I believe that this is one flaw of the legislation. Can the Minister explain exactly how he intends to implement that part?

At page 25, part 25 (4) states—

> "A regulation may provide for assessors to help and to take part in the decision making process of Wardens Courts in their roles as recognised State/Territory bodies under the Commonwealth Land Title Act."

We have a State tribunal dealing with State land matters. That is fine; we have no problem with that. However, the legislation provides that assessors may be employed to investigate claims and also be involved in the decision-making process. It is a case of Caesar appealing to Caesar. Aboriginal people may be assisting the tribunal to make a decision relating to their own claims. I have no problem with such people acting in an advisory role, but it is not right that they should be involved in the decision-making process. Can the Minister give a guarantee that those people will not be one and the same; that there will be a separation of powers between the people acting in those roles?

Mr SMITH: The first part of the member's question dealt with the preamble, and that is really the first amendment. By way of response, I advise the member that that amendment amends the preamble in a manner consistent with the

Commonwealth Native Title Act 1993. The preamble provides that—

> "The High Court of Australia has—
>
> . . .
>
> held that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests . . ."

That statement of law reflects the majority opinion of the High Court of Australia in Mabo v. State of Queensland (No. 2) (1992) 175 CLR 1 at 69.

The second point that the member raised related to the fourth and fifth amendments. They are to correct minor drafting errors, but I am told that there are no such reservations in Queensland.

The final point that the member raised related to a regulation which may provide for assessors. That is the twenty-fifth amendment. It states that a regulation may provide for assessors to help the Queensland Native Title Tribunal and the Land Appeal Court when those bodies exercise jurisdiction under the Native Title (Queensland) Act 1993. Assessors are subject to the control and direction of the Queensland Native Title Tribunal when helping either the Queensland Native Title Tribunal or the Land Appeal Court. It states further—

> "A regulation may provide for assessors to help and to take part in the decision making process of Wardens Courts . . ."

Such people will act consistently with the law and certainly will adhere to the separation of powers.

Mr FITZGERALD: I am not pursuing the same arguments as the member for Warrego. The difficulty we have with this legislation is that it has three clauses which are all contained on one page. There are 52 different sections of the Schedules which are contained on 46 pages. When we come to debate the various amendments contained in the two Schedules, it is difficult to talk about any of them, because one runs out of time and one is flat out getting an explanation. That is one of the problems we have when adhering to the rule that a member can speak only so many times to each of the Schedules.

The other point relates to a drafting problem. The Bill has three clauses, but I cannot see reference in any of those clauses to either Schedule. Normally a Bill states, "This Bill contains a Schedule of Acts that are being repealed or amended. All the Acts in Schedule 1 are amended." There is no reference in the Bill to a Schedule.

Mr Smith: It's clause 2, they tell me.

Mr FITZGERALD: Clause 2 states—

> "The Native Title (Queensland) Act 1993 is amended in this Act."

However, it does not state that it is amended in the Schedule, and there are two Schedules. I know that this is getting fairly technical and we probably need a draftsman to explain it precisely to us. References to the Act are made all the way through the legislation. I ask the Minister to take advice on this. Usually, a Bill provides for a Schedule which outlines the Acts being amended or repealed.

If the Minister has an explanation, I would be happy to hear it. I just raise the concern that to we simple members of Parliament it is a little bit confusing when we have a Schedule that stands on its own. The words "Schedule 1" appear before the words "Amendments Consequential on Amendments of the Commonwealth Native Title Bill 1993 in the Commonwealth Parliament". I understand that all of these are consequential to the Commonwealth Bill. But "Schedule 1" appears above that statement. I would be happy to have explained to me, either by the Minister or by a draftsman, why it is drafted in that way, so that I can understand what is happening.

Mr SMITH: I may or may not be able to adequately answer that particular question tonight. Clause 2 on page 4 at line 6 states—

> "The Native Title (Queensland) Act 1993 is amended in this Act."

At page 5, line 6, "section 2" is mentioned. I acknowledge that it is a bit obscure. Some of this legislation is undoubtedly very technical. Nobody disputes that. I really wonder what point there is in pursuing these matters. As I said before, this is not revisiting the Native Title Act or its validity; it is a question of technical amendments to bring it into line.

Mr FitzGerald: I just presume that if it isn't legal, we'll have to do it again, and that is all it is about.

Mr SMITH: I would not dispute that, but I am confident it is not.

Mr HOBBS: I refer the Minister to page 32 at line 14, which states—

> "3.15 (1) A deed of grant of transferred land may contain a reservation to the State of forest products or quarry materials above, on or below the surface of the land only if it is declared by regulation . . ."

The Aboriginal Land Act refers to forestry and quarry materials held for the State. Why has this provision—a provision that may allow some people to have a reservation and others not to have one—been inserted in the legislation? Is

that not really being inconsistent? I can understand if people want to cut a tree down and make a house or whatever, but quarry material is a little bit different. One could find a stone and make an axe, perhaps. A quarry from which gravel is carted is a little different. I wonder why this provision is inserted in the legislation. To me, that is a bit inconsistent. Perhaps the Minister could answer that.

Mr SMITH: The fact is that it is existing law and it has gone from something that was required under Governor in Council to a matter of regulation.

Schedule 1, as read, agreed to.

Schedule 2—

Mr SMITH (9.55 p.m.)**:** I move the following amendments—

"At page 20, line 7, 'gave the'—

omit, insert—

'gave'.

At page 34, line 17, before '*insert*'

insert—

'*omit,*'.

At page 45, line 15, 'claimants'—

omit, insert—

'claimant or claimants'.

At page 45, line 22, 'claimants'—

omit, insert—

'claimant or claimants'.

At page 46, line 26, before '*insert*'—

insert—

'*omit,*'."

Amendments agreed to.

Schedule 2, as amended, agreed to.

Bill reported, with amendments.

Third Reading

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

NATURE CONSERVATION AMENDMENT BILL (No. 2)

Mr STONEMAN (Burdekin) (9.57 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Nature Conservation Act 1992."

Motion agreed to.

First Reading

Bill presented and, on motion of Mr Stoneman, read a first time.

Second Reading

Mr STONEMAN (Burdekin) (9.58 p.m.): I move—

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

This amendment to the Nature Conservation Act has two main components—

1. to allow the continuation of the traditional activity of fishing in certain streams contained within national parks in Queensland other than protected species; and
2. to remove any ambiguity in respect of private and commercial investment in respect of fishing and associated activities in those national parks.

Attached to the Bill is a draft of mechanisms that allow the change of the nature of certain sections of national parks and, further, for the consolidation of management of those sections of national parks where fishing is to be allowed to continue under agreed management terms.

The Nature Conservation Amendment Bill, which recently passed through the Parliament, precluded commercial fishing in national parks at section 62 (4). Mr Speaker, I seek your indulgence to note that my speech notes that are being circulated show that as section 57. There has been a change in the order of the drafting. The amendment will remove this constraint but provide for the capacity to protect species proclaimed by regulation in total by either recreation or commercial activity. Whether commercial fishing should or should not take place anywhere is realistically the domain of the consultative management process.

The basic reason for this change is to allow for the taking—where deemed appropriate by a regional management plan following local community input—of some species to maintain existing supply and support those fishermen who would otherwise be deprived of the capacity to earn a living. This might apply to mud crabs and some species of fish currently able to be taken in estuarine areas. It is not envisaged that this would enlarge any current activity and, indeed, could well result in a greater capacity to sustain the overall fisheries resource. There is a widespread acknowledgment that more detailed and relevant management is required if the fisheries in general are to continue as a viable resource. This particularly applies to areas that are adjacent to major population centres and/or are easily accessed by boat or vehicle.

It is for this reason that it is also impractical and unreasonable to entirely preclude fishing as an activity in those areas, and the costs associated with policing any total closure as provided for in the Act as it stands would be enormous as well as futile. The removal of any reference to a finite date for the exclusion of fishing as an activity as provided for in the existing Act at section 62 (5)—and again, Mr Speaker, I draw your attention to my speech notes that show that as section 57—is vital in that many individuals and families have considerable investments associated with the traditional belief that fishing would be allowed to continue.

In spite of references by the Minister to "consultative processes" during what is alluded to as the "five-year consultative period" leading up to 31 December 1999, it is unreasonable for those people who have expectations and investments contained within, near or attaching to national parks, to have to live with prolonged uncertainty. Their particular situation may not be considered within any management plan for an unspecified period as the Act stands.

In the case of a house or fishing hut built for the sole purpose of utilising a fishery embraced by the Nature Conservation Act, the capacity to sell will be seriously undermined until there is certainty in respect of the future surrounding the purpose of the investment—fishing. As an example, numerous instances of current investment values have been provided surrounding the fishing village of Jerona, which is located at the mouth of Baratta Creek in the Bowling Green Bay National Park area, south of Townsville—mostly of the order of $60,000. Jerona is entirely surrounded by the national park for the purpose of land access and has no other reason for existence other than to provide access to a traditional fishery.

The removal of a date and constraint of certain activity is not, in itself, all that is required in respect of overcoming the widespread community concern created by the amended Act. It is also necessary that the regulations attaching to the Act be immediately amended to embrace the best management parameters possible, and in this respect I table draft regulations as a template for achieving the necessary mechanisms.

Bowling Green Bay National Park is used as an example of how the regulations would apply. The first part allows for the dedication of all tidal waters within the park to be proclaimed by amendment of the schedule as nature conservation parks—in other words, their technical removal from the national park as such. The second part allows for the management trusteeship to pass to the Primary Industries Corporation and the chief executive of the department. This would then allow the fisheries to be a part of the overall management as proposed within the Fisheries Act as recently passed by Parliament.

In summary, these amendments allow certainty to again become a part of the traditional activity of fishing in streams contained within a number of national parks, while at the same time removing any ambiguity in respect of investment based on those activities. The mechanisms proposed for change under regulation place the ongoing management of the applicable fisheries under the umbrella of the traditional managers of fisheries and, with the community consultative processes that would then apply, should enable a far more considered approach to sustaining a vital resource for the people of Queensland. I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

ADJOURNMENT

Hon. G. N. SMITH (Townsville— Minister for Lands) (10.03 p.m.): I move—

"That the House do now adjourn."

War Veteran Rental Housing

Mr STEPHAN (Gympie) (10.04 p.m.): I rise this evening to speak on an issue of great concern to me and the substantial population of war veterans in my electorate and right throughout Queensland. It is a matter that flies in the face of everything that the recently commemorated Remembrance Day is meant to reiterate, that is, the importance of honouring our veterans, not only to remember what they have sacrificed for our nation's safety but to continue to acknowledge them respectfully and reasonably.

The Minister for Housing and the policy makers of his department seem to have completely ignored this. The new rental policy on housing commission homes institutionalises Labor stonewalling of our deserved veterans who receive compensation benefits. The Department of Veterans Affairs disability payments have now been deemed by the Queensland Housing Department as income in rent reviews conducted by departments. I have a constituent—and I guess there are quite a few people in the same circumstance right throughout the State of Queensland—who is a totally and permanently incapacitated Vietnam War veteran. The Department of Housing has taken upon itself to more than double that man's rent on a housing commission home because it views his invalid pension as income.

From an original weekly rent bill of $55, this man now has to pay $115, which is more than the average single income earner would be expected to pay on the open rental market. This is the concern that we have. In the words of the local Vietnam Veterans Association, this man has been economically brutalised by the Queensland Housing Minister. In written correspondence to me, the association has described the feeling of ex-soldiers being ignored, lied to at the best and despised by some at the worst. These are the sentiments of men who, a week or two ago, the rest of the nation had occasion to herald and remember as heroes. They have used examples of assistance given to some whose sacrifice is rather minimal. They state—

> "We have examples of political sacrifice by some leaders in Canberra who when they fell off bicycles get some $67,000 compensation or when (their wives) are scalded by a tea urn get $47,000."

These concerns have certainly been raised with me and I am sure with a lot of other members, too. This is what war veterans are comparing their rent hikes with. They further state—

> "Instead of serving our country and fighting for its freedom and prosperity, it would seem that if we had fallen from bicycles or been scalded by tea urns, we would not be in the situation that holds a lot of us veterans today."

This is the observation of veterans about their base worth in the eyes of the Minister. To have Governments of the day debasing the present day lifestyles of our war veterans is obnoxious and abhorrent.

On behalf of the Vietnam veteran in question, his family and other members of the Vietnam Veterans Association of Queensland, I urge the Minister in the strongest possible terms to reappraise his department's charter and to change it from coffer obsessed to compassionate.

The peacetime lifestyles of those who were permanently injured during the wars of this century should be free from financial angst that is caused solely by Government inaction. What is happening in Queensland is certainly not consistent with what is happening in other States in this country.

We have just been discussing the native title legislation. Some of the aims and objectives of that legislation were to reflect the amendments and attitude of the Senate in the Commonwealth and also to facilitate the Commonwealth recognition of what it is doing. We have spent some time actually debating that particular aspect, and much the same sort of thing applies to the war veterans. If we are going to have any consistency at all, it is up to the Minister for Housing and Local Government to take the position of honouring those who spent so much time and who suffered so much anguish in the defence of our nation.

Sam Sciacca Foundation

Mr BUDD (Redlands) (10.09 p.m.): On 13 April 1992, the Federal member for Bowman, Con Sciacca, and his wife, Tina, suffered the most tragic of human experiences—the loss of their 19-year old son Sam from a cancer known as Ewing's sarcoma. It was a tragedy not only for the Sciacca family but also for those of us who had known Sammy throughout most of his young life.

Throughout the days of Sammy's illness, the Sciacca family had explored every available avenue, both medical and religious, in an attempt to find anything that might give their son even a temporary remission. It was all to no avail. Con Sciacca has spent a lifetime in community service, and following on from his own family tragedy, he sought to find ways in which other families and children in a similar situation could be assisted.

Sammy Sciacca's most outstanding quality had always been his care and consideration for others, and Con and Tina wanted to find a way in which his memory represented the very essence of all he had been in life. With this in mind, the Sciacca family set up the Sam Sciacca Foundation. The first act of the foundation was to commission medical writer Dr Mark Ragg to write a book that dealt in simple layman terms with the topic of cancer in children. From these beginnings, the book titled *Body and Soul* was born. *Body and Soul* is not a morbid book. While it deals with the range of medical options available and the physical problems that people have to face, most importantly it covers people's personal feelings and thoughts through a range of interviews with both patients and their families.

On 8 November this year, I had the privilege of attending the launch of the book *Body and Soul* at the National Press Club in Canberra. In his speech that night, Con Sciacca said that he hoped very few people would ever be in the position that they would need to read this book. I disagree with Con on that point. I have read the book *Body and Soul*, and I believe that every member of Parliament should read it.

As members of Parliament, our position often calls upon us to deal with people who have suffered the loss of a family member. This book is not just about cancer or about young people

dying; it is a book that records families' inner-most thoughts not only about how they personally coped but also the reactions of their friends. We all find it difficult to deal with death or even serious illness. We want to show our support, but we often say the wrong things or, even worse, we say nothing at all. In trying not to intrude, we often become evasive. Time and time again when reading the interviews in the book, I found myself feeling guilty that, in the past, I have not responded to people's needs in the right way.

One particular family mentioned in the book that their friends had ceased to have a normal relationship with them. Their friends had either avoided them entirely or their conversation had become completely artificial as they sought to avoid any topic that might be sensitive, such as, "What will everyone be doing next year?" One of the quotes from this interview was, "We felt that we had not only lost a child but also our friends." There is an important lesson in that statement for us all.

There are times when we have to face up to reality and the things in life that are really important, which include putting the needs of others before our own petty embarrassments. But the thing that struck me most about this book is that one gains an appreciation and respect for the enormous strength of the human spirit that enables people to endure and survive the most terrible of tragedies. I commend this book to every member and suggest that they purchase a copy and read it.

Families of Victims of Crime

Mr LAMING (Mooloolah) (10.13 p.m.): I would like to speak tonight on a most important subject, that is, the plight of the families of the victims of serious crime, particularly the crime of murder. I believe that this Government has shown that in this area it has extremely poor priorities. This is a Government that is continually talking about social justice. In this particular case, it has not shown any trace whatsoever of that philosophy.

I would like to start by demonstrating to honourable members the lack of balance between the expenditure by this Government on the rehabilitation of offenders and the spending on the victims of crime and the families of victims. I would like to point out that the balance between the two is heavily in favour of offenders, when I believe that, if it is to be out of balance, it ought to be in favour of the victims rather than the offenders.

It is a little difficult to ascertain the funding that is allocated to the rehabilitation of offenders, but by going to the Queensland Corrective Services Commission budget papers under the program Community Supervision, we can identify an approximate amount. According to this Budget paper, the amount is in excess of $17m for 1994-95. By comparison, this Government has allocated only $800,000 over three years to assist victims of crime with counselling. The program is officially known as the Violence Against Women Program.

In addition, the Department of Family Services has allocated $76,000 to the Victims of Crime Association to assist in the establishment of an information base. I could stand corrected on the individual amounts that I have quoted, but the difference between $17m and less than half a million per year indicates the scope of the imbalance to which I refer. Having demonstrated an alarming out-of-balance situation, perhaps I now need to indicate how much of a need there is for this service. I am sure that the experience that I am about to relate will have been experienced by other members on both sides of this House.

The tragic murder of Mr Todd Ward on the Sunshine Coast on 1 August 1993 was followed by a period of sadness, confusion and understandable frustration for the Ward family. The reason for the sadness is obvious. The reason for the devastation was compounded by a lack of counselling. The reason for the frustration was the difficulty in getting information about the case.

In February this year, I spoke to the Attorney-General and, to his credit, he made a personal phone call to Mrs Ward and sent a person from the new unit at the Director of Prosecutions Office to talk with her. However, the phone call and the visit by the officer were not the level of service that is required by people who find themselves in such tragic circumstances.

Following another equally tragic case of murder on the Sunshine Coast, I again contacted the Attorney-General and asked whether the Violence Against Women Unit made an automatic response to fill the counselling and information needs of families of murder victims and also whether the families of these victims receive advice regarding things such as the application for or the granting of bail by offenders. The response that I received in July from the Attorney-General indicated that the unit being set up was actually intended to service female victims of violent crime and was also intended to look after the families of victims. I was also advised that prosecutors are required to ask the arresting officer to notify victims and, where appropriate, the next of kin known to police, of

such matters. As I was perplexed that such a routine mechanism did not take place, I inquired of senior police officers on the Sunshine Coast and was informed that what I had been advised was not the case.

In order to establish what the official situation was, in August I wrote to the Police Minister asking what legislation or procedures were in place that would require arresting officers, at the request of the Director of Prosecutions or the court, to advise victims or the next of kin when bail is granted to persons charged with such crimes. The Police Minister advised me that there is no legislation requiring police officers to advise victims or next of kin when a violent offender is released on bail. He went on to say that, however, should a court or the Director of Prosecutions request that a victim be informed of the release of an offender, the Police Service would pass on the information.

I believe that, in these cases, the police officers in the district where such a crime takes place do a wonderful job of keeping the families of victims advised, but they cannot be expected to maintain the ongoing role of consultation with these families. Whereas it is easy for responsibilities to be missed where various departments overlap with each other, I believe that this particular requirement is missed altogether and falls between the planks of the responsibilities of both departments.

There is a clear case of a desperate need that is not being addressed by this Government. I believe the answer is twofold. Firstly, this Government must recognise the needs of the families of victims of crime. First and foremost, they need to be advised of what is going on regarding court applications and appearances. Secondly, as it is an extremely traumatic personal experience, they invariably need professional counselling. Having recognised the need, the next thing is the allocation of funds so that such a service can be implemented as soon as possible. No level of service, no level of funding can replace their loved ones, but a service must be provided, and I call on the Government to provide it.

Sandgate Electorate; Police and Emergency Services

Mr NUTTALL (Sandgate) (10.18 p.m.): On a number of occasions in the past 12 months in this Chamber, Opposition members have tried to put forward an argument that the provision of police and emergency services within various electorates in this State has been in decline in real terms. Tonight, I want to put that argument to bed and talk about the provision of both police and emergency services within my electorate of Sandgate and what has happened in that electorate.

Members would be well aware that, for a large number of years, Sandgate has been a strong Labor seat with strong support for the Labor Party from the people living in that area. They have done that at a price over a number of years when the National Party was in Government. Members would be well aware of the pork-barrelling that used to go on in the safe conservative seats at the expense of Labor seats. I am pleased to say that, within my electorate, those types of things have now changed, We are certainly much better off in terms of services.

In 1989, as we were elected to Government, 29 police officers and three public servants were based in a small overcrowded home—and that is all it is; a house that was converted—and that house would have been 50 to 60 years old. Those police officers had to work with manual typewriters and provisions and equipment that were totally out of date and consisted of relics from the 1950s. It was impossible for those police officers to do their jobs properly with that type of equipment.

In January 1994, which was just prior to the opening of a brand-new police station in Sandgate—and I have spoken about that in the past—there were 33 officers and three public servants, so there was a small increase. As of July this year, we have 44 police officers—previously, we had 29—and also three public servants working there. Those police officers include—I will not go through all the figures—the CIB, the Juvenile Aid Bureau, traffic officers, prosecutors, people involved in our police youth club and, of course, sergeants, senior constables and constables doing their work in the area. Patrol cars have been increased from four to eight, and we now have two police motor cycles to enable police to be able to do their job in a far more efficient manner. The new police station, built at a cost of some $2.3m, is state of the art. I was fortunate enough to have both the Premier and the Police Minister in my electorate to open the police station.

The police have certainly gone much further ahead. They have worked very hard building the Neighbourhood Watch programs within my electorate. At the start of this year, we had four Neighbourhood Watch groups. We now have five and the possibility of a sixth. The police have embraced that program. In terms of community policing, I am proud to say that the police officers within my electorate have achieved outstanding respect from the general public. They do a marvellous job. I often get a number of compliments regarding the work that they are

doing and the way in which they perform that work. Of course, we have the Adopt-a-Cop program in the area. The police station serves not only the suburbs within my electorate but also other suburbs. The police have gone out of their way to earn that respect. We suffered a spate of vandalism in our schools for quite some time. We have been fortunate enough to have the police organise a couple of stake-outs and apprehend some of the young culprits. Quite often, we hear about the number of break-ins at schools, but last year, I was speaking to the Education Minister and he pointed out that what we do not hear about is the number of people who are actually caught, taken to the courts and convicted for breaking and entering our schools. That effort needs to be acknowledged. All we hear is the fact that schools have been broken into and vandalised, but we never hear of the success in terms of catching those people and their having to pay their debt to society. The police in my area have much to be proud of, and we as a community are very grateful for the work that they do.

Extended Shopping Hours

Mr CONNOR (Nerang) (10.23 p.m.): I rise to speak about retail trading conditions. I will quote from correspondence from a couple of retail organisations, including from a letter dated 10 November this year signed by Mr Ian Baldock, Executive Director of the Queensland Retail Traders and Shopkeepers Association. The letter relates to surveys on extended trading hours and states—

> "As our constituency covers both food and non food members I will comment separately for each sector.
>
> Non food
>
> Very little change due to the 75% majority vote.
>
> As a result of this provision in the Act I know of no shopping centre in Queensland where agreed core trading hours from Monday to Friday were altered beyond about an additional half hour or so.
>
> On Saturday afternoon most centres in areas where allowable trade for no-exempt shops (large or/or corporation stores and chains) was to 12 noon and 1.00pm did vote to extend to 2.00 or 3.00pm.
>
> In areas such as Brisbane where Saturday pm trade was legal until 4.00pm most centres voted to extend to the new allowable limit of 5.00pm.
>
> The principal reason given by speciality retailers to no change in hours was their belief (in some cases based on historical fact such as Brisbanes previous extension from 12 noon Saturday to 4.00pm Saturday) that to extend hours would only result in additional cost for much the same in sales.
>
> As the Act permits any store or stores to trade beyond the agreed core trading of a centre, we principally have a majority of the major supermarkets and a number of discount stores staying open.
>
> In the case of the discount stores there are some that are opening until 7.00pm early in the week and others that have not extended their hours at all except for Saturday pm.
>
> . . .
>
> Food
>
> The major supermarkets are all trading beyond the agreed core hours. Most are staying open the full extent allowed under the Act some are closing at 7.00pm especially Monday, Tuesday, and Wednesday.
>
> The above hours have seen a reduction in the traditional Thursday night trade and to a lesser extent Saturday morning trade.
>
> Most of this has gone to Friday night with a lesser amount to Wednesday night.
>
> Trade seems to reduce quite noticeably after around 7.00pm Monday and Tuesday, 8.00pm Wednesday, Thursday and Friday.
>
> It is quite noticeable that a fair proportion of late in the day purchases are in the 'top up' category, not full weekly orders. These are, in the main, still done on the traditional days of Thursday, Friday and Saturday, obviously due partly to paydays.
>
> Independent stores have experienced sales losses of zero (if not near a major supermarket) through to -15% in the Brisbane area if located close to a large supermarket.
>
> Elsewhere in the State the impact has been greater due to the extra competition on the Saturday afternoon. Worst losses known of range between 25 and 30 odd per cent reduction in sales.
>
> Independent operators in the deli, fruit and veg and especially meat sectors have also been adversely affected in some cases by an even greater margin.
>
> Stores that have the financial capacity for re-investment in the business have been able to claw some of the loss back.

Numerous cases of staff lay offs and reduction in hours have been reported to us.

There have not been as many store closures as we feared but still enough when one considers this is a person or a family's life savings that have been lost.

They are:

A convenience store in Bundaberg

Medium sized supermarket in Toowoomba

Butchers shop in Petrie

Country type small grocery stores in:

Peranga

Brigalow

Warra

Greenmount

Dulacca

As there has been some shift in supermarket trade to a little later in the day, it appears to us that less staff are now rostered on through the day. Some of these, obviously have been re-rostered to augment the Junior casuals who are the ones principally manning the checkouts in the evening."

I wish to quote from the executive summary on this matter of the Queensland Chamber of Commerce and Industry, which states clearly what is going on with retail shopping hours. The summary states—

"TAKINGS

Since the deregulation of shopping hours, just over half of respondents saw no change in takings while approximately 34% experienced a decline and 14% an increase. The average increase in takings was of 9.2 % while the average decrease was 13.94%.

A breakdown of results suggests that there is not a linear correlation between the extension of shopping hours and changes in $ takings.

Where an increase in takings was experienced, opinion was equally divided between those considering it to be the result of extended trading hours and those considering it to be for other reasons. The 81% of respondents experiencing a decline in takings considered it a consequence of extended trading.

. . .

EMPLOYMENT

The majority of respondents (80 %) had not altered the level of employment within their establishment. Where the employment composition has altered, changes to part-time and casual staff are usually involved. A breakdown of the results shows that there is not a definite relationship between the deregulation of trading hours and changes of employment.

Rather than increasing employment levels, a significant majority or retailers (88%) with extended trading hours are personally working longer hours."

Time expired.

Collinsville Power Station

Mrs BIRD (Whitsunday) (10.29 p.m.): I want to draw the attention of the House again to the need to recommission the Collinsville Power Station. I would like to remind members that the Collinsville Power Station was built in the period 1963 to 1974. In 1986, the National Party Mines and Energy Minister, Mr Ivan Gibbs, announced the decommissioning of the power station. At the time, the Trades and Labor Council General Secretary, Ray Dempsey, commented that—

"The Premier"—

Joh Bjelke-Petersen—

"said for every power worker there was an additional four employed because of that style of industry. So we"—

this is Mr Dempsey—

"can assume that 400 people would be adversely affected by the decommissioning of the station."

Of course, that has proved to be an understatement. Mr Dempsey continued—

"The state of Queensland's economy is a lot worse than any of us were led to believe before the election."

That was the 1986 election. Mr Dempsey continued—

"The Government has mismanaged not only the power industry but the entire Queensland economy."

Liberal Party Energy spokesman Mr Innes, like the TLC, condemned the closure and claimed that the closure had been delayed deliberately until after the State election. A double blow was dealt when the National Party Transport Minister announced that it would close Collinsville's railway depot, despite a potential $17.9m profit from the carrying of coal out of Collinsville. Twenty railwaymen and their families were forced to move.

For almost 10 years, both of those decisions have had serious repercussions on this town of 2 000 people—economically, socially and psychologically. However, Collinsville is now fighting for a second chance. The Queensland Government, faced with the demand for 300 million megawatts a year of electricity generation by 1998, has invited tenders from companies interested in buying or reactivating the Collinsville Power Station. There has been strong interest from the private sector and, although there is no guarantee that a bid will be accepted or that the station will be restarted, we will certainly be fighting for every opportunity. Collinsville has many advantages over other areas as a potential power source, mainly because of the fact that the power station is already there, with the infrastructure still in place, and with a water supply and a bitumen road service. One main attraction of Collinsville is its proximity to MIM's coalmine which would, in effect, provide an opportunity to obtain a reasonably priced source of fuel for the generators.

The re-emergence of the Collinsville station would create a significant number of new direct jobs plus service jobs in the area and up to 100 new jobs relating to maintenance and rehabilitation contracts. The filter-through process to local businesses would double that amount of jobs. Not of least importance, of course, is the psychological uplift in the community that the re-emergence would create. In fact, the mining unions have said that it would be a lifesaver for Collinsville. They do not deny that there will be restoration costs involved for any private company. They are aware that there may be a need for dramatic upgrading, but they still believe that Collinsville compares more than favourably with the other options.

Bowen Shire Mayor Col Leather has been an enthusiastic supporter of the recommissioning of the station. He says that the creation of new jobs will arrest Bowen Shire's shrinking rate base and will give a high boost to the local economy. He believes that, because most power is generated in the central or southern regions, Collinsville must be an appealing option. Councillors Michael Brunker and Neil Stone believe strongly in Collinsville's future. They are quick to point out the not-too-extreme climate without cyclonic influences, and that Collinsville has ample, inexpensive housing, full Government services, a swimming pool, hospital, ambulance, homes for the elderly and a safe environment for children.

The people of Collinsville are truly remarkable people. What happened to them during the years 1986 to 1989, and now the redundancies in the coal industry, are not problems of their making but, in the main, problems arising from very bad political decisions of the past. The National Party closed their power station and the National Party closed their railway depot simply because they vote the wrong way. However, the National Party did not count on the determination of the people of Collinsville. Even with redundancies and a 36 per cent unemployment rate, Collinsville's people are distressed at the possible future of moving to another town and the breaking up of their families. They are refusing to give in.

Motion agreed to.

The House adjourned at 10.33 p.m.