WEDNESDAY, 22 MARCH 1995

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

PETITIONS

Format

Mr SPEAKER: Order! Honourable members, yesterday the House agreed to a change in format for the wording of petitions for the remainder of this session of Parliament. As there are a number of petitions yet to be presented which contain the old wording, I intend to allow those to be presented to the House.

PETITIONS

The Clerk announced the receipt of the following petitions—

Collinsville Power Station

From **Mrs Bird** (2,394 signatories) praying that favourable consideration be given to any proposal to recommission the Collinsville Power Station and that the benefits to Collinsville and the Bowen Shire be taken into account.

Cairns International Airport

From **Dr Clark** (27 signatories) praying that (a) the expansion program for the Cairns International Airport be suspended until an independent study into alternative sites is carried out; and (b) that in the interim a curfew apply between 11 p.m. and 6 a.m.

Freshwater, Building Proposal

From **Dr Clark** (840 signatories) praying that (a) the building proposal at 7-9 Le Grande Street, Freshwater be suspended; (b) the land be sold for the purpose of minimum density private development; and (c) the 20 per cent public housing policy be reviewed by public consultation.

Worongary Fire Station

From **Mr Connor** (1,260 signatories) praying that the Worongary Fire Station (a) be opened immediately 24 hours per day; and (b) that it be staffed with the minimum safe crew level of four, with an appropriate pumper for the area.

Royal Queensland Bush Children's Health Scheme

From **Mr Nunn** (992 signatories) praying that the Parliament of Queensland will (a) immediately remove the board and executive staff of the Royal Queensland Bush Children's Health Scheme and appoint an administrator as an interim manager; (b) immediately reopen the Townsville and Yeppoon homes and retain all homes in their coastal communities; and (c) ensure that community input is sought, as a funding requirement, prior to any proposed future changes in administering the scheme.

School Children, Behavioural Problems

From **Mr Quinn** (70 signatories) praying that the Parliament of Queensland will take action to ensure (a) that school officials have sufficient authority to deal with children with behavioural problems; and (b) that the police be given sufficient powers to deal with difficult children.

Police Staffing, Gold Coast City

From **Mrs Rose** (30 signatories) praying that the Parliament of Queensland will take the necessary action to boost police numbers in the southern areas of the Gold Coast City and Albert Shire.

Electricity Supply, Maleny

From **Mr Turner** (30 signatories) praying that action be taken to provide electricity to homes along the Maleny-Woodford Road at Maleny.

Petitions received.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr HORAN (Toowoomba South) (2.35 p.m.): I seek leave to move a motion without notice.

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

AYES, 35—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

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

Resolved in the **negative**.

QUESTIONS WITHOUT NOTICE

Professor R. Scott

Mr BORBIDGE (2.45 p.m.)**:** In directing a question without notice to the Premier——

Mr SPEAKER: Order! I think we can dispose of that wording. Under the new sessional orders all questions are directed without notice.

Mr BORBIDGE: I direct a question to the Premier. I refer to a statement by the former Director-General of Education, Professor Roger Scott, about what happened under the Goss Government. He said—

> "In analysing a particular policy option, such as a motorway proposal, it may be more important to know the implications for factional alliances and the consequence for individual political aspirations than to undertake an environmental impact study."

I ask: how does the Premier justify his self-righteous and deceitful political rhetoric in relation to public sector ethics in the face of such a clear condemnation of his politicised senior bureaucracy by a prominent and highly respected former head of department?

Mr W. K. GOSS: I have not actually read Dr Scott's speech, but a copy of it was handed to me before lunchtime. I have had a couple of passages marked. Dr Scott states—

> "Of the three coordinating agencies with which I dealt, I found the Treasury and the PSMC both able to balance their arguments for conforming to whole-of-government constraints and expectations with an appreciation of the narrower policy context of line departments. My reading had not prepared me for this pleasant surprise and it will be interesting . . ."

That is a very complimentary endorsement of the Government's central agency management systems.

There is one other central agency, of course, that is, the Office of the Cabinet, and that is where the glitch occurs. What got up Dr Scott's nose was a newspaper column in the *Courier-Mail* to which he makes extensive reference, which, in its usual overwritten style, is designed to get up the noses of members of the Government in particular. Obviously, it got up the nose of Dr Scott.

An Opposition member interjected.

Mr W. K. GOSS: No, it was the column that obviously got up Dr Scott's nose. Why? The reason is fairly simple. Two senior and capable public servants obviously had differences, for example, in relation to the teaching of Asian languages and curriculum review. I do not think there is anything unusual in that. From time to time, that will happen among senior people who have their own ideas as to what policies should be pursued. Dr Scott would be well served to do what most people on this side of the House do, that is, not pay so much attention to such columns.

Mrs Sheldon: You are patronising.

Mr W. K. GOSS: No, I am informative. At the end of my answers, the Leader of the Liberal Party is always better informed, but she is never any wiser. That is the problem.

In relation to the particular example referred to by the Leader of the Opposition, I draw the attention of the House to the fact that the controversial motorway, which I presume is the one referred to in the speech, goes through mainly, if not entirely, the electorates of Labor members and members from all sections of the Labor Party. The suggestion that could be drawn from the speech that a staffer in a private office who has no other qualifications should not go to a senior policy position in a central agency is one with which I think we could all agree. Of course, that is not the case with the former Director-General of the Office of the Cabinet, who is one of most qualified policy public servants in the public service and was a very senior public servant in the Commonwealth public service before he took a downgrading in position to come to work for me in 1988.

Mr Santoro: The truest words you have ever spoken.

Mr W. K. GOSS: Indeed! It was a drop in status and a drop in pay, but he had the brains to recognise potential. He could see all the way from Canberra that the mob opposite were on the way out and we were on the way up.

As for Dr Scott—he is a capable public servant. I had a discussion with him at the time he left the public service to go back to academia. It was a pleasant conversation. We are on good terms and I wish him well in his

career. I make one final reference to the speech, and I ask: what is the view that Dr Scott expresses indirectly—he says nothing directly—in relation to the Opposition? I refer to just one passage in which he is discussing parliamentary accountability—

> "In practice, parliamentary accountability was probably the least of my Minister's worries. . . Ministers often attended Parliamentary Question Time well briefed on difficult questions which were never asked and frequently found more problems from their own side of the House."

It was ever so, and so it is today.

Professor R. Scott

Mr BORBIDGE: I refer the Premier again to the speech by the former Director-General of Education, Professor Roger Scott, indicating that under the Premier's Government there is a neat, politicised circle for party lackeys involving service in a political office, followed by service in the bureaucracy and then preselection for a safe seat—so amply demonstrated in the public sector by the likes of Craig Emerson and Kevin Rudd—and I ask: is not this partisan approach to senior appointments to the public sector totally at odds with the Premier's deceitful rhetoric in relation to appointment on merit in particular and public sector ethics in general?

Mr W. K. GOSS: No.

School Children, Behaviour Management

Mr LIVINGSTONE: I direct a question to the Minister for Education who, I understand, recently spoke at a Queensland Teachers Union gathering and raised the issue of behaviour management for school children, and I ask: can he inform the House of his intentions regarding this issue in light of the recent media attention it has received?

Mr HAMILL: The member's understanding is correct. I addressed the issue of behaviour management in our schools at the State Council of the Queensland Teachers Union. For the benefit of the House, I will quote from the speech I delivered, because some members may find it quite instructive. I said—

> "One of the pressing issues facing teachers, and the cause of some stress, is that of student behaviour management. There is a wide range of behaviours which give cause for concern in schools today."

Indeed, it is the same behaviour as we put up with in this place from a very inattentive and very ineffective Opposition. I stated further—

> "Research over recent years provides evidence that while extreme behaviours do cause problems for teachers, thankfully, these are perpetrated by a relatively small percentage of students."

I went on to say—

> "Nevertheless when student behaviour impedes their own and others' schooling to an unacceptable level, it may be necessary to develop alternative programs. I think we need a range of options that are directed at the successful reintegration of disruptive students back into schools, but only after their behaviour has been changed. And we need to put into place a range of measures which provide real support to teachers and Principals who are seeking to tackle disruptive and anti-social behaviours."

I stand by those comments. As a parent, I have heard my own children, after coming home from school, complain about this person or that person and the activities he or she indulged in during the day. Even little children recognise when other children go beyond the pale—when that behaviour is such that it causes major disruption in the classroom. That disruption makes it very difficult for teachers, who are doing their best to educate and provide an educative environment in the classroom. It not only undermines the efforts of teachers; it also undermines the opportunity of all other children in the classroom to obtain an education. In the interests of equity, we have to stand up not only for the teacher in that environment but also the other children. It was for that reason that I made those comments. We need to put in place a range of alternative strategies to take the pressure off the teacher and the other members of the class in those circumstances.

The Opposition Education spokesperson, Mr Quinn, has made it quite clear that he does not believe in flogging kids. However, the same cannot be said for some of his colleagues. Some members of the National Party believe that we should flog children to within an inch of their lives. I suppose they are part of the lobby that believes in shooting the Avon lady—as put so eloquently by my colleague the Attorney-General. Some behaviour problems in the classroom reflect the very disadvantaged and violent

environment in which some children are growing up. Indeed, for some children, getting flogged in the classroom would probably be seen as reinforcing their behaviour. For some of those kids, the only attention they receive is violent behaviour in their home environment. They are the kids who need the benefit of special programs.

Consistent with that intent, I asked the Queensland Teachers Union to provide me with a submission on this very important issue of behaviour management. If it was an easy and quick-fix solution, it could have been solved ages ago. However, we need to put in place a range of policies that will assist teachers, children and those kids most in need in our classrooms.

Professor R. Scott

Mrs SHELDON: I refer the Premier to the statement by the former Director-General of Education, Professor Roger Scott, that under his Government "the most valued characteristic" of a senior public servant is an ability to "interpret what Ministers and the Government party see as crucial to survival of the Government", and I ask: how does the Premier justify his extraordinarily self-righteous and deceitful political rhetoric in relation to public sector ethics in the face of such a clear condemnation of his politicised senior bureaucracy by such a prominent and highly respected former head of department?

Mr W. K. GOSS: I do not believe the statement is particularly accurate. However, I suppose that sometimes when the going gets a bit rough one yearns for chief executives who have that capacity and that particular motivation. It would make our job of getting re-elected a lot easier. Ministers, members of the back bench and I tend to find that we have to paddle very hard to get ourselves re-elected.

Obviously, there is always going to be some overlap. The survival of any Government is dependent upon the capacity of that Government to deliver—at least to some extent—on its own programs and policies. This Government, in common with most Governments, asks that its senior public servants and, indeed, other public servants, implement the policy decisions taken by the Government and the Parliament. That is what democracies are about.

For the first time in 40 years, Queensland has a fair and honest electoral system. We do not have the rigged and rorted system that the Opposition had when it was in Government. This means that the people of this State get a Government that reflects the popular vote. Until 1989, we did not have that. Instead, we had a system whereby 18 per cent to 38 per cent of the Queensland electorate would elect a couple of rednecks and a bunch of logs, and they would run the joint. Those days are over.

Mr Lester interjected.

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

Mr W. K. GOSS: As much as Mrs Sheldon is determined to work with her National Party Leader to wind Queensland back to the Bjelke-Petersen days, this Government is not going to let them.

Trust Funds

Mr BUDD: I refer the Treasurer to recent claims in the media by the Leader of the Opposition that the State Government has depleted Queensland's savings by $250m through raids on trust funds, and I ask: can he inform the House whether this is correct?

Mr De LACY: It is not true that the Government has depleted Queensland's savings by raiding trust funds. However, it is true that, on a number of occasions, we have absorbed trust funds—and that means their functions and their contents—into the Consolidated Fund. We have done that for good financial management purposes.

In the past, too many trust funds were residing outside the public accounts and were not subject to the normal accountability procedures to which the Consolidated Fund was subject. Surely Opposition members would believe that there are good financial management reasons——

Mr Connor interjected.

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

Mr De LACY:—for keeping close scrutiny on all public sector funds.

Mr Stephan interjected.

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

Mr De LACY: The Leader of the Opposition said that Budget papers showed that the Government had shut down 38 trust funds, with balances totalling some $156m, in 1989-90. It is true; we did that. However, that does not mean to say that we ran down savings. It was good financial management.

Opposition members must agree with that. Do members opposite agree with that?

Mr Cooper: No.

Mr De LACY: The honourable member does not agree. I will tell Opposition members why we did that. In the Budget statement, it was said that this was done to provide a more supportive environment for the adoption of program management. So we did two things. The Loan Fund was merged with the Consolidated Revenue Fund, and Trust and Special Funds were to be included within the Consolidated Revenue Fund. That was what was said in the Budget. But do honourable members know which Budget that was? The 1989 Budget! Do they know who said that? It was Mr Ahern, the previous Premier and Treasurer. At that time, he tabled the 38 trust funds, totalling $156m, referred to by the Leader of the Opposition, Mr Borbidge. They were closed down in that year.

Although we may have been in Government at that time, the decision was made by the former National Party Government, and we simply implemented it. Mr Borbidge's Cabinet made the decision. His Government made the decision. It announced it. Now he is running around Queensland saying that the Goss Government is running down trust funds. All we did was implement the policy as announced by Mr Ahern in 1989.

Mr Borbidge interjected.

Mr SPEAKER: Order! I have to warn the Leader of the Opposition under Standing Order 123A. I am warning the Leader of the Opposition under Standing Order 123A—not with any great relish, but I am.

Public Sector Ethics

Mr LINGARD: I direct a question to the Premier. I refer to the fact that the principles underlying his public sector ethics legislation include integrity and that during his second-reading speech on that legislation he said that this implied that bureaucrats should not disclose official information improperly and that they should not "abuse the powers or resources available to them as officials" and "avoid any conflict between personal interests and official duties". I ask: does his Government's policy for the public sector recognise that there is an inherent problem in this regard confronting senior bureaucrats such as Messrs Emerson and Rudd, whose official duties provide parallel loyalties to the public service and the party in power?

Mr W. K. GOSS: There can be occasions when a public servant may find himself in a potential conflict situation. That would happen not only in relation to those people whom the honourable member mentioned but also to other public servants who in recent years have stood for election to office as representatives of the National Party and the Liberal Party. We can go through some examples, if the honourable member likes.

However, the point is that, under the public sector ethics legislation, public servants have an obligation that was only ever put in place by this Government and which was never, ever even contemplated under the previous Government. Public servants have a responsibility to contemplate such situations and to act to avoid them. No suggestion has been made to me that the public servants to whom the honourable member has referred have ever acted in a way that is improper. In fact, they have always studiously sought to identify situations of potential conflict and have avoided them to their own personal and professional detriment.

For example, when the former Director-General of the Office of the Cabinet became endorsed as a candidate in the forthcoming Federal election, he immediately voluntarily stood down from his position at a substantial financial and status cost to himself.

Australian Conference of Principal Clubs

Mr NUTTALL: I refer the Minister for Tourism, Sport and Racing to the article on page 57 of today's *Courier-Mail* announcing Queensland's readmission to the Australian Conference of Principal Clubs, and I ask: can he inform the House of the benefits that this readmission will provide to the Queensland racing industry?

Mr GIBBS: I thank the honourable member for the question, because a most important decision was made at the Conference of Principal Clubs on Monday of this week to readmit Queensland to the conference. That was great news for the Queensland racing industry, in spite of the very deliberate attempts by those on the other side of the House—the member for Indooroopilly in particular—to connive and intrigue with a small group of people in Queensland to ensure that at no time would we be readmitted.

Mr BEANLAND: I rise to a point of order. I have not connived with anyone. I find

the words offensive and I ask that they be withdrawn.

Mr SPEAKER: Order! I ask the Minister to withdraw.

Mr GIBBS: I withdraw those words. Let us just say that the ample amount of food that the honourable member consumes in the committee room of the Queensland Turf Club makes one wonder what took place down there from time to time.

Mr BEANLAND: I rise to a further point of order. Mr Speaker, I find that offensive, too. I do not consume ample amounts of food at the Queensland Turf Club, or anywhere else. I find those words offensive. That might be what the Minister does; it is certainly not what I do. No wonder they call him "Bollinger" Bob.

Mr SPEAKER: Order! Can I suggest to members that, if they want me to seek a withdrawal, they should not retaliate, because I might think that means it is quits. In the days when I played football, I used to take that as meaning that it was quits, anyway. Under the circumstances, we will go on with question time.

Mr GIBBS: I will withdraw. The honourable member obviously did not have anything to eat or drink.

I am happy to say that this will mean that Queensland will be in a very strong position to continue with a lot of the reform that has taken place in Queensland. I might add that probably the disappointing part was that, having complied with all of the requirements of the Australian conference and after making some changes to the Queensland legislation, the only reason that we were kept out of the conference for the past 12 months was the refusal of the Queensland Principal Club to sell its share—which was some 12 per cent—in the National Studbook.

I acknowledge that I am most appreciative of a member of the Liberal Party, none other than Wilson "Iron Bar" Tuckey, who was elected recently as the Chairman of the Western Australian Turf Club. As a result of his very good judgment, that club also refused to sell the Western Australian share of the Studbook. I guess the conference was stuck between a rock and a hard place. The choice was either to readmit Queensland or expel Western Australia, which to some degree probably would have made the conference something of a joke nationally. I am pleased that we are back in. I believe that we will make a great contribution.

I will point out some of the major benefits that are already flowing to racing in Queensland. One has only to look at the article which appeared recently headed "Cutting down on the horse power". It contains an excellent graph which shows that, in terms of the percentage of TAB prize money returned to the industry, of the States of New South Wales, Queensland and Victoria, Queensland is returning the highest percentage of any of those States to the racing industry. It shows also that the percentage taken by this Government is the lowest when compared with the Governments of New South Wales and Victoria. Those figures simply did not exist under the previous Government. I believe that that shows our commitment to ensuring that an industry which is not only this country's but also this State's fourth-largest industry continues to go from strength to strength.

Public Sector Ethics

Mr SANTORO: I refer the Premier to the statement by the former Director-General of Education, Professor Roger Scott, that the former Director-General of the Office of the Cabinet, Mr Kevin Rudd, ignored what he called "the dusty tradition of public sector anonymity" in his blatant use of his public position to further his political ambitions, and I ask: does not Mr Rudd's performance and the Premier's failure to bring him into line make a mockery of the Premier's rhetorical commitment to public sector ethics?

Mr W. K. GOSS: As I said at the outset, I have not read that particular speech, and I do not know whether the summary of it——

Mr Santoro: Didn't they mark that little section?

Mr W. K. GOSS: That is right—I have one section highlighted, I skimmed the rest and found the bit where it referred to the Opposition. I have not read the rest and I am not going to.

Mr Santoro: Why? Didn't you like it?

Mr W. K. GOSS: I understand the general point from the account in the *Australian*, and I am sure that the member is quoting me all the best bits. The first point I want to make is that I do not know whether the summary or the introduction referred to by the member for Clayfield is accurate, so I do not accept that in any sense. Having said that, let me say this: there has never been any evidence—and I am not aware of any evidence in the speech as reported in the *Australian* or as referred to by members opposite—of any wrongdoing or any

impropriety by the former Director-General of the Office of the Cabinet. If there is, then members opposite might like to address that to me and I will look into it.

My observations over some years of that particular public servant are that he has always most carefully and most scrupulously abided by the highest standards of both personal and professional integrity and integrity as a public servant in the discharge of his duties. There is no suggestion from any reasonable or independent commentator that he is anything but more than qualified for the positions that he has held with me or with this Government over the past few years.

Public Housing, Sunshine Coast

Mr HOLLIS: I refer the Minister for Housing, Local Government and Planning and Minister for Rural Communities to an article in today's *Courier-Mail* in which it was claimed by the Sunshine Coast Regional Housing Council that no new public housing had been provided on the coast for two years and that no new projects were planned for this financial year. I ask: can the Minister advise whether this is correct?

Mr MACKENROTH: After reading that article this morning, I endeavoured to find some further information, because I believed that over the past two years I had been to the Sunshine Coast on a number of occasions to inspect some of the work that was going on. It surprised me that the Regional Housing Council could make the statement that no new housing had been provided on the Sunshine Coast in the past two years and that none was planned for this financial year. I would like to place on record what this Government has done for the Sunshine Coast in regard to public housing since we have been——

Mrs Sheldon interjected.

Mr MACKENROTH: I will inform the member of what has occurred, and I will take her around to each one of these sites if she wants me to. In 1990-91, we built 218 accommodation units; in 1991-92, the number was 136; in 1992-93, 207; in 1993-94, 139; and in 1994-95, this financial year, we are building 230 units. By the end of this financial year that will mean that a total of 930 dwelling units have been or will be constructed on the Sunshine Coast by this Government since it has been in office. That is an increase of over 40 per cent in the level of housing stock that existed in that region over the previous 40 years.

For people to be criticising the level of existing stock is ridiculous, because we have made public housing on the Sunshine Coast a priority, as we have in a number of other places in Queensland in which the former Liberal/National Party Government failed to provide housing stock because it did not believe in public housing.

Public Sector Ethics

Mr FITZGERALD: I refer the Premier to the Government's public sector policy and the five principles governing public sector ethics, among which is respect for persons. I refer also to the Premier's second-reading speech on the——

Honourable members interjected.

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

Mr FITZGERALD: I refer also to the Premier's second-reading speech on the public sector ethics legislation in which he stated, in relation to the respect for persons principle—

> "This obligation requires that officials should . . . avoid patronage and favouritism in employment matters."

I ask: in view of Professor Scott's comments last night, under this Government should not that section realistically read, "This obligation requires that officials should appoint the nearest party hack"?

Mr W. K. GOSS: One can always tell when somebody else has written a question for the member for Lockyer. I must say that I did expect a question on this matter when I came to Parliament today. What I did not expect was that it would so excite Opposition members that they would ask all their priority questions on this matter. Next time, if they give me five minutes' notice, I will make sure that I read the speech comprehensively. In relation to the particular provisions——

Mr FitzGerald: I'm referring to your speech.

Mr W. K. GOSS: I am aware of that, and I am referring to the other speech. There are two speeches here—the Dr Scott speech and my speech.

Moving back to my speech and the reference to respect for persons—that holds. In relation to the fairly garbled logic of the question, let me see whether I can help the member for Lockyer. It seems to imply that the former Director-General of the Office of the Cabinet—or some other unspecified person to

whom the member has not referred, but all the heat today has been on Mr Rudd, whom members opposite dislike with a passion—was somehow unqualified or unsuited to be appointed to the position of Director-General of the Office of the Cabinet. Nothing could be further from the truth. Let met outline his professional and bureaucratic career in Canberra. Before returning to Australia, he was the First Secretary in the embassy at Beijing; he was a senior public servant in Canberra; he was, if I recall correctly, the youngest person appointed to ambassador rank in the history of the Department of Foreign Affairs; and he took a position as private secretary to me in 1988.

Mr Rudd was happy to continue in that position, but after a year or two in Government, I took the policy decision to establish an office of Cabinet roughly along the lines of that operating in New South Wales. I persuaded Mr Rudd to apply for the position of director-general. He was then interviewed for that position by a panel of three or four persons. It was a selection on merit. As I recall it, that was a unanimous selection of a panel which included Mr Sturgess, the private secretary to the Liberal Premier of New South Wales.

Employment Opportunities, Aboriginal and Torres Strait Islander People

Mr BREDHAUER: I ask the Minister for Employment, Training and Industrial Relations: given that up to 80 per cent of Aboriginal and Torres Strait Islander people have no post-school qualifications compared with 60 per cent of all Australians, can the Minister outline to the House the latest step taken by the Government to change this imbalance?

Mr FOLEY: I thank the honourable member for the question and welcome his continued very active interest in the vocational education and training needs of Aboriginal and Islander people. I should inform the House of the recent launch of a strategic plan to increase training and employment opportunities for Aboriginal and Torres Strait Islander people. That plan was developed by a group called Nagi Binanga, which is a standing committee of Aboriginal and Islander people which provides advice to the State Government on vocational education, training and employment issues affecting Aboriginal and Torres Strait Islander people. The strategy sets out a five-year plan to assist in raising the level of indigenous participation in vocational education, training and employment. The strategy comes on the heels of an increase of 46 per cent in the student contact hours of TAFE Queensland indigenous students between 1990 and 1994. This financial year, $13.7m will be invested in Aboriginal and Torres Strait Islander vocational education and training initiatives.

Recently, following a visit by me and the Federal Minister, Ross Free, to remote Aboriginal communities in Cape York and the Torres Strait, I approved a $700,000 package to take training by truck, trailer and boat to remote Aboriginal and Torres Strait Islander communities across central Queensland and the far north. That package provides mobile services for the Torres Strait, the lower gulf, Palm Island and Woorabinda, as well as an upgrade at the Cape York TAFE centre at Bamaga. I commend the efforts of those Aboriginal and Islander people in the Bamaga area who are doing their bit to assist Aboriginal and Islander people in the region to have a better chance to access vocational education and training. I commend also the members of Nagi Binanga for what is a very worthwhile contribution in this area. I seek leave to table the strategic plan, which will be of great interest to members.

Leave granted.

Performance Indicators, Education Department

Mr QUINN: I refer the Minister for Education to the statement by the former Director-General of Education, Roger Scott, that performance indicators demanded across departments by the Government have been, in the Education Department, "farcical, mainly symbolic and immensely time consuming". I ask: since that costly and useless bureaucratic exercise diverts over 1,300 school principals from improving the teaching and learning environment for students, why is the Government continuing to persist with its application?

Mr HAMILL: I am not aware from whence the honourable member is quoting, but he attributes some comments to the former Director-General of Education, Professor Roger Scott. I want to make this point in relation to performance indicators: it is a funny old world when performance is regarded as a dirty word, where it is inappropriate that we evaluate our performance—evaluate the output of public services. In the Education area particularly it is absolutely vital that we do keep a very close eye upon the outputs that we make from such a major area of public expenditure. We

commit well over $2 billion a year—a very significant part of the annual Budget of this State—to a very substantial Education system, yet Opposition members believe that we should not evaluate. They think that we should spend money without any real consideration of whether that money is being well spent. That may be the way that the Opposition believes that public finances ought to be run in this State. Let me assure you, Mr Speaker, that it is not the way that this Government considers accountability with respect to public finance.

Mr Quinn interjected.

Mr SPEAKER: Order! The member for Merrimac!

Mr Quinn interjected.

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

Mr HAMILL: I suspect that it would be the same attitude from the Opposition that would probably suggest that we are wrong in seeking student performance standards as well so that there is some accountability in relation to how our kids are performing in schools, or is performance such a dirty word for the Opposition? I would not mind doing a report card on Opposition members and giving their performance indicators to the public. Mr Speaker, there would be some very low achievers among them.

Queensland Rail Land, Maryborough

Mr DOLLIN: I direct a question to the Minister for Transport. The residents of Maryborough are very keen to see the Queensland Rail vacant land at Maryborough developed into a major shopping complex and to have a McDonald's established on the corner of that land. I ask the Minister: is any progress being made toward this goal?

Mr HAYWARD: Of course, as everybody in this place knows, the member for Maryborough has been a tireless advocate for responsible redevelopment of the Maryborough rail site which, of course, is a parcel of prime land of about 16 hectares located in the Maryborough city centre. It is a site which is presently controlled by Queensland Rail but which is considerably underutilised when it comes to rail operations. So, there is significant support within the local community—and I am aware of Mr Dollin's support—for the redevelopment of this site. He has certainly drawn the views of the community to my attention.

Redevelopment of this site is dependent upon three important issues that Queensland Rail is working to resolve. The first is the question of the potential heritage value of that site. The second, of course, is the question of the cost of relocating Queensland Rail facilities to an alternative site. The third, and probably the most important, is finding a developer who is interested in the site on terms that protect the interests of Queensland taxpayers.

We are currently engaged in an analysis of the first two issues. Once they are resolved, I will be directing Queensland Rail to seek expressions of interest for the site—importantly, at no cost to Queensland taxpayers. I expect that QR will be in a position to do that within the next couple of months.

The honourable member mentioned the issue of McDonald's. That company is presently negotiating with Queensland Rail and Queensland Transport in regard to title and road access to a portion of the Maryborough rail site which it obviously wishes to use for the development of a fast food outlet. Those negotiations are progressing. There has been some difficulty experienced in regard to right-hand turn access to the site. From a planning perspective, apparently this could create some traffic management difficulties. So, in recognition of this potential, McDonald's has recently indicated its willingness to accept temporary right-hand turn access to the site. Queensland Transport is currently processing the application for temporary access. I expect to be able to convey a response to McDonald's within the next four weeks.

Mine Safety Inspectors

Mr GILMORE: Further to my previous question, and to subsequent evidence given to the inquiry into the disaster at the Moura mine in respect of the chronic shortage of mine safety inspectors——

Mr SPEAKER: Order! Of whom is the member asking a question?

Mr GILMORE: I ask the Minister for Mines and Energy: will he now undertake to employ a full complement of mines safety inspectors as a contribution towards ensuring that no further disasters of this kind occur?

Mr McGRADY: Mr Speaker, to my knowledge, there is no such person in this House as the Minister for Mines and Energy. I assume that the shadow Minister is referring to the Minister for Minerals and Energy. That being the case, I will accept the question.

I set up an inquiry into the Moura accident. I made it clear at the outset that this

inquiry would be open and independent and that I would act upon the recommendations. I have resisted making any comments at all on any of the evidence which has been taken at the inquiry. The current complement of inspectors' positions in the Coal Operations Branch is 13. There is currently one vacant position which is being advertised right around the State. An offer has been made for the vacant position of a mechanical inspector at Rockhampton. As I said, we are advertising right around the State.

I am informed that, in the past 12 months, from August 1993 to July 1994, there were 23 inspections at the Moura No. 2 mine by the various inspectors. On average, that is one inspection every two weeks. As I have said before, when I get the recommendations from the Moura inquiry, I will implement them.

Central Regional Health Authority; Blackwater Hospital

Mr PEARCE: I ask the Minister for Health to advise whether the draft plan for the Central Regional Health Authority will have any impact on services offered at the Blackwater Hospital?

Mr ELDER: Presently there are a number of regional authorities that have draft services plans available for public comment in regional Queensland. I point out that that is what they are—draft plans. They are available for public comment. They are out there to get community feedback and community involvement in developing services within their regions. They are one of the successes of regionalisation.

From time to time, there may be some criticism of regionalisation from members of the Opposition, but one of the benefits is that, by having those regional structures in place, we are able to get community feedback and community input.

Mr Littleproud: You don't get it.

Mr ELDER: Yes, we are getting that feedback and input. That is what those draft plans are out there for.

An Opposition member interjected.

Mr ELDER: The only alternative Health policy that the Opposition has offered is that the Opposition spokesperson said that the Opposition would centralise Queensland Health. That is the only thing Opposition members have said. They said that they will centralise it.

Opposition members: Wrong!

Mr ELDER: The Opposition spokesperson is on the record—the *Toowoomba Chronicle*. I can show it to him. The Opposition will centralise Health, and all of the decisions will be made back in Brisbane again.

Opposition members: Wrong!

Mr ELDER: It is on the record. It is in print and Opposition members are hooked on it. I will hoist them on that hook by the time of the election this year.

Importantly, these draft regional plans are doing what I have said, getting regional community input into Health services. Let me make it clear that, if the communities do not want those plans, I will not impose them. That is the reason for the feedback.

In relation to Blackwater—I know that the member for Fitzroy has an interest in the central region—I will actually quote from the plan, which states—

> "It is recommended that services provided to the community of Blackwater should be enhanced by the establishment of an ambulatory care centre which would incorporate a higher level of visiting specialists service, particularly from Rockhampton and also Emerald. The ambulatory care centre would include a birthing clinic for low-risk births, primary care, emergency care, consultative clinics, rehabilitation, dental service and day-only procedures."

So that plan is aimed at enhancing the position of Blackwater Hospital.

I know that the member for Fitzroy is a good local member and that he keeps his ear close to the ground. I give him the assurance, as I do all members in this House, that if the local communities that they represent are unhappy with a plan, I will make sure that they receive the level of health services that they need and deserve. That is what these draft plans are about.

In conclusion, I again point out that that is what the draft plans for services in regional areas are all about. They are about getting community feedback and community input from regions, including those represented by members opposite. I am not about centralising the system, as the honourable member implied in the National Party's election campaign that it will do.

Ipswich Police Station

Mr COOPER: In directing a question to the Minister for Police, I refer to the chronic

understaffing in the Ipswich Police Station last night, when only one officer was on duty to take calls for Ipswich, Goodna, Karana Downs, Esk and all country stations in the Ipswich police district. On numerous occasions throughout last night, during prime crime time, callers were placed on hold for at least four minutes. I ask: what action will the Minister take to alleviate such staff shortages, and why has he delayed the implementation of the more flexible rostering system, which was announced long ago?

Mr BRADDY: As honourable members would know, there have been significant increases in policing throughout Queensland.

Opposition members interjected.

Mr BRADDY: Opposition members do not like to hear this, because of the long years of neglect that they——

Opposition members interjected.

Mr BRADDY: If Opposition members want a summary of their achievements in policing, they should read the Fitzgerald report. The people of Queensland well remember that. In terms of policing under this Government—there are now 1,500 more operational police. If a situation requires a 000 call, that call is diverted to the particular service required. People know the system. In terms of other calls—the system is similar to any other system. The honourable member made one phone call and was delayed for several minutes before having his call attended to. He should try ringing any other organisation; not everyone can get through at the same time, nor should they. In the case of emergencies, an emergency number is available, and the system works well.

Mr Cooper interjected.

Mr BRADDY: In his question, the honourable member made no comment about the call being an emergency. Quite clearly, it was not an emergency.

Mr Cooper: Several emergencies came through last night.

Mr BRADDY: No. I read the article in this morning's newspaper, which stated that Mr Cooper himself made the phone call.

Mr Cooper interjected.

Mr BRADDY: According to what I read in the newspaper, the honourable member made the phone call, and he had to wait four minutes. I know that it touches the arrogance in him that he had to wait four minutes. That is really disgraceful!

In terms of policing in Ipswich—we have made some very decisive moves, such as the recent installation of Aboriginal police liaison officers—who will make as good a contribution in Ipswich as they have made in the rest of the State—and the Home Policing Program, whereby a police officer lives in the district that he patrols. Following the trialling of that program in Toowoomba, we now have a similar one in Ipswich. The program will be just as successful in Ipswich as it was in Toowoomba. A shopfront is being constructed in the Ipswich Mall in the central business district. Mounted police now control crime in the Riverview area. We have introduced one heck of a number of programs, all of which are successful.

The honourable member has retreated to reading something because he does not want to hear the good news. In Ipswich, as in the rest of Queensland, there have been several very successful police initiatives.

Sheffield Shield Final

Ms POWER: I ask the Minister for Housing, Local Government and Planning and Minister for Rural Communities: can he advise whether residents of western Queensland will be able to view the Sheffield Shield final this weekend on television?

Mr MACKENROTH: I have received a number of calls from people in western Queensland who are concerned that they will not be able to see the Sheffield Shield final. I am sure that all Queenslanders will want to watch the final on the weekend and see Queensland victorious. I am pleased to say that I have spoken to the managing director of Queensland Telecasters, Paul Gleeson, who informed me that QSTV has negotiated with Channel 9 to show the Sheffield Shield final throughout western Queensland. The Sheffield Shield final will now be available to all Queenslanders to watch this weekend.

Criminal Code

Mr BEANLAND: Mr Speaker, I ask——

Mr Lingard interjected.

Mr SPEAKER: Order! I warn the member for Beaudesert under Standing Order 123A. Honourable members, I know that this is cutting into question time. I cannot understand this; I have asked members not to interject when a question is being asked. I point out to the member that this question is being asked by an Opposition member. How

can the Minister answer the question when he cannot hear it?

Mr BEANLAND: I ask the Minister for Justice and Attorney-General: with regard to the draft new Criminal Code, which was finally released for public comment just prior to Christmas—after four years' work by officials and others engaged by the Government—was the Attorney-General told by any senior officials of his department that the two-month period allowed for comment was totally inadequate and that the draft Criminal Code was seriously flawed? Will he now give a commitment that the next draft of the draft of the draft Criminal Code, which I understand he is now rewriting yet again, will be available for comment for at least four months before being debated in this House?

Mr WELLS: I thank the honourable member for referring members to that very important and, indeed, historic project—a project which honourable members opposite neglected for decades, so that our criminal law became archaic, out of date and totally incapable of dealing with the needs of the twenty-first century. When those honourable members were on the Government side of the House, they sat by with a Criminal Code that did not even deal with computer crime. Computer crime is not an offence under the Criminal Code simply because, in the nineteenth century, people did not know about computers. However, what people knew in the nineteenth century is what the honourable member knows now. He is no more up to date than people were then.

When Opposition members were in Government, they did none of the essential work, which has been done over four years. The consultation has gone on for four years. I make no apology for the fact that it has been a long and extensive consultative period. As the honourable member knows, that consultative period is continuing.

At the end of last year, I released a draft of the Criminal Code. That draft was an exposure draft. The very nature of an exposure draft is that it is not the final draft; it invites comments. There has been a vigorous and healthy public debate about a number of the matters set out in that draft, including some matters of substance. As a result of that vigorous and healthy debate, further considerations can be undertaken.

It is important to recognise that the new Criminal Code is a Criminal Code for all Queenslanders. It is not a Criminal Code for the honourable member for Indooroopilly, and it is not a Criminal Code for any other member in this House. It is not a Criminal Code just for women or just for men. It is not a Criminal Code for prosecutors, and it is not a Criminal Code for defendants. It is not even a Criminal Code only for the crooks; it is a Criminal Code for everybody in Queensland.

The consultative process will continue. Next week, I shall lay on the table of this House the version of the document to which the Government is committed. Nevertheless, it will be possible to have further debate on that version of the document, and members will be able to debate it on the basis that it is the Government's position. I look forward to being able to debate it on that basis. I particularly look forward to debating it with the honourable member for Indooroopilly, because he has been notoriously silent on this matter. The running has been taken so brilliantly by Russell "Shoot the Avon Lady" Cooper, and we have heard nothing from the honourable member for Indooroopilly. That may very well be a reflection of what is in his mind, but we look forward to the sequel.

Opposition Energy Policy

Mrs EDMOND: I direct a question to the Minister for Minerals and Energy. This week, the Opposition announced its energy policy. I ask: can the Minister tell honourable members the Government's position on the components of the coalition policy and what impact it will have on Queensland?

Mr McGRADY: I thank the member for the question. On Monday, I heard that the heavies of the coalition were about to release their energy policy. I would not be human if I did not have a few concerns. I wondered to myself what would those people dream up after six years in the political wilderness? I thought to myself, "Is this policy going to be novel? Is this policy going to be original? Would this policy capture the imagination of Queenslanders as our policy did just a couple of weeks ago? Would this policy be futuristic? Would this policy have some imagination?" Alas, on all of those counts the answer was, "No".

Often I hear Governments being accused of pinching policies from the Opposition, but I have never yet heard of Oppositions pinching policies from the Government. Let us have a look at the policies the coalition announced. The first policy it talked about is a freeze on electricity prices. I have news for the members of the coalition: there is already a freeze on electricity prices. I will go one better—not only have we frozen electricity prices but we have

also reduced the price for commercial and industrial users.

The coalition talks about reopening the Collinsville Power Station, yet the Opposition is the mob that closed it down. A week or two ago, I was in Collinsville. An interim agreement has already been signed to re-open the Collinsville Power Station.

The coalition talks about tariff equalisation. That already exists in Queensland. During the debate on the Electricity Bill, which I introduced late last year, the Government reiterated that that would remain.

Honourable members interjected.

Mr SPEAKER: Order! The level of interjections is becoming intolerable. I could easily stand for another two minutes and I would have no headache and members would not hear the answer.

Mr Littleproud interjected.

Mr SPEAKER: Order! I can assure the honourable member that he is missing out, because the level of interjections is too high.

Mr McGRADY: The coalition talks about spending $50m over 10 years; the Government is spending $35m over three years.

They talk about not going ahead with Eastlink because of the need for transmission lines but, in the same statement, they talk about building a new coal-fired power station. I understand that they must think that a new coal-fired power station is like a roman candle—the power goes up into the air and drops into people's backyards. Power stations need transmission lines.

They talk about a gas pipeline to Mount Isa. On 23 December I signed the agreement! They talk about the Tully/ Millstream dam, but in the small print they say, "With the approval of the Federal Government."

I have spoken of their pinching our policies, but the sad thing is that they have not pinched the one policy from our package that is most important to Queensland, that is, demand-side management. The Government has allocated $16m for that initiative and the coalition is saying that it will not have a bar of it. That is sad, because demand-side management will really change the culture of Queenslanders and try to educate them into changing their use of energy.

An Opposition member interjected.

Mr McGRADY: Not at all.

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

MATTER OF SPECIAL PUBLIC IMPORTANCE

Law and Order

Mr SPEAKER: Order! Today, the proposal for the Special Public Importance debate was submitted by the Leader of the Opposition. It is on the following matter—

> "The Goss Labor Government's failure to guarantee the safety and security of persons and property in Queensland."

I now call the Leader of the Opposition to speak to the proposal.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (3.45 p.m.): The law and order issue will be, quite appropriately, a major issue before the people when they decide later this year who is best suited to form the next Government. It is an emotive issue. It is an issue—in fact, it is a raft of issues—capable of being misused and muddied in the political process. Today, I will set down simply what the coalition believes to be the major failings of the Government and, in shorthand terms given the time constraints, indicate what the coalition would do to overcome them.

One of the largest single failings has been the Government's mismanagement of Queensland Police Service staffing levels. In 1989, this Government promised 1,200 police in its first term. It quickly changed that promise to 1,200 extra operational police. This operational increase was to have been achieved largely through civilianisation, whereby sworn police officers would be released to operational roles by public servants. If one believes the Government, this transfer has occurred to the extent that now there are 1,500 extra operational police in Queensland over and above the number of June 1989.

The fact is that the Government's arithmetic is unsustainable. At 30 June 1989, there were 5,219 sworn police. In the debate on the Estimates for the current Budget, the Minister for Police said that there would be around 6,257 at 30 June this year. The difference is, therefore, just 1,038. Therefore, the claim that there are 1,500 extra police rests totally on the alleged success of the civilianisation process, which the Police Minister claims has been achieved to the extent that some 90 per cent of officers are now operational, compared with 78 per cent at the time of the change of Government.

The problem for the Minister—and the problem for the Government—is that nobody

believes him. In its review of the Police Service in August last year, the Criminal Justice Commission estimated the operational strength was not 90 per cent, but 73 per cent—5 per cent less than the Minister says was the percentage in 1989.

The Public Sector Management Commission, which completed its review of the Queensland Police Service in 1993, stated—

> "The ratio of direct service delivery personnel to indirect service delivery personnel has fallen in recent years. "

It has fallen!

Two more factors come into play. One is the 38-hour week achieved in January 1991. Effectively, according to the then Police Commissioner, that meant a 5 per cent cut in police numbers. So, Minister Braddy's estimate of 6,257 police at 30 June this year must shrink by 312 to 5,945 before a valid comparison with 1989 figures can be made. The raw increase in the six years to June this year since June 1989 and in June 1989 terms is not 1,500—it is not even 1,200—it is barely 700.

One more factor dramatically reduced the effective increase of the size of the Police Service under this incompetent Government. This extraordinary effort concerns one of the major Fitzgerald recommendations. Commissioner Fitzgerald recommended variations in the police award whereby all overaward entitlements—notably penalty rates and overtime—would be absorbed into one payment to facilitate a system of 24-hour-a-day, seven-day-a-week rostering. Instead, the Government facilitated very significant pay increases of between 20 per cent—and in some cases well in excess of 30 per cent—and ignored totally the key Fitzgerald recommendation. As usual this Government got it back to front.

Of course, the impact was a further reduction in the number of police rostered for night and weekend work, not the badly needed increase, because it was suddenly even more expensive to roster police for duty at the times when they were needed most. Very late last year, the industrial relations issue was ultimately addressed, but only after Queenslanders had suffered for years because the number of police on the beat was reduced very dramatically. So it is little wonder that the people of this State are incredulous when the Police Minister tries to tell them constantly that they are better off in relation to police presence. Were they better off in Ipswich last night? Of course, the answer is "No." That is the story from one end of Queensland to the other. It is an issue right at the core of this Government's gross mismanagement of the entire law and order issue.

I will deal with some other key aspects of the Government's failures in the area very briefly. In relation to the courts, the issues are well known, well understood and the subject of ongoing community debate. Under this Government, quite simply we have had a prostitution of the community-based corrections system, which evolved from the Kennedy report commissioned by the previous Government. This Government has grossly abused Mr Kennedy's work. The Queensland prisons system now holds in excess of 15 per cent more prisoners than it was designed to hold. The situation worsens day by day. However, the Government pleads that this is because of some unpredictable influx of prisoners. That is absolute and total nonsense! The reality is that it was this Government that closed down Boggo Road and it was this Government that closed down Woodford without replacement cells in place. As a result of the Goss Government's mismanagement of the system, the system lost some 600 beds. Now, what we have in Queensland is a revolving-door policy. The door has to keep going around and around with prisoners going in and going out lest the entire system simply implodes.

Parallel to this is the disgraceful situation in watch-houses, which have become Clayton's gaols to the extent that all major watch-houses are as chronically overcrowded as mainstream prisons. The situation is the same in relation to juvenile justice institutions, which will be dealt with by another speaker in this debate, and which has exactly the same root cause—an incompetent Government incapable of adequate planning even when the issue is one involving public safety.

The remaining major flaws in the Government's law and order package relate to its legislation. Again, the common denominator is simply year upon year of incompetence. In August of 1992, the Attorney-General was presented with a total rewrite of the Criminal Code in draft form, which was then by general agreement largely suitable for presentation to the House. Approaching three years later, the new code is still not before us and the latest draft of the Bill has been given the full rounds of the kitchen by all and sundry thanks to the amateurish meddling of the Attorney-General.

Further to that legislative debacle is the flawed Penalties and Sentences Act, which is a foundation stone in the Government's prostitution of the community corrections system, and under the provisions of which the judiciary are forced to consider gaol as a sentence of last resort in support of the explicit policy of the Government that it actually prefers criminals to remain within the community. Until very recently, the Government defended that Act, but then quite suddenly we had the Premier declaring that he would be proposing amendments. The backflip had everything to do with the unilateral declaration by the Litigation Reform Commission in its annual report that it would be putting amendments before the Government. But where are they? Presumably, they are still in Wayne Goss' office.

The problems confronting law and order in this State are vast. By the Government's own admission, the people have been conned on the most basic issue of the number of police; they have been conned in relation to correctional services; and they have been conned on the legislative base of the system either through incompetence or chronic inaction, which is this Government's call sign. Why is it when we are spending record amounts of money on the criminal justice system that this Government has betrayed its basic trust of ensuring that as much as possible Queenslanders are safe and secure in their homes and at their places of work?

The coalition will act where this Government has not and cannot. It will get police out from behind desks and on to the streets. It will rebuild the prison system. It will get our laws in order. Queenslanders really have only one option later this year if they want resolution of these problems, because all the Goss law and order system promises them is more of the same, and more of the same is simply unacceptable and unsafe, as the good folk of Ipswich and surrounding communities found out last night.

Mrs WOODGATE (Kurwongbah) (3.55 p.m.): I must say that I am delighted to be able to participate in this debate because it gives me an opportunity to set the record straight in relation to the incorrect statements and the alleged crime statistics that the Opposition seems hell-bent on peddling and spreading far and wide throughout the State.

If ever there was a campaign waged by an Opposition of malicious untruths, this is one. How that lot opposite could have the audacity to come into this place and accuse this Government, with its great record of law and order reforms, of somehow letting down the people of Queensland and allowing crime to run rampant throughout this State over the past five years really has to be some kind of a sick joke.

The matter of law and order and the safety of our communities is of immense interest to me. Along with other Government members, over the past five years I have seen the huge amounts of energy and resources the Goss Government has had to expend on fixing up the mess inherited from the Nationals, who allowed law enforcement of this State to fall into disrepute.

I have been waiting with interest for some time to get some detail on how the discredited Nationals and Liberals will handle the important issues of law and order. We know how they used to handle it. We know that the Queensland Police Service was the most underfunded, underresourced and underpaid force in the whole nation. We know that the response of members opposite to concerns about law and order was to tie up the police resources in arresting the students and protesters while the real criminals roamed scot-free. So it will be interesting to see if the disgraced Opposition parties have learned anything at all from their past mistakes.

Let us look at the rhetoric. What do we find? A total vacuum—a vacuum that the Leader of the Opposition and the member for Crows Nest have been happy to let Vince Lester fill, and fill it Vince Lester has been happy to do. He has filled this void by raising over the latter half of last year a cynical debate about flogging and corporal punishment—a debate that has seen so many backflips from Mr Borbidge that he makes the other discredited former Opposition leader in Canberra, Alexander Downer, look like a rock of consistency. We hear that Mr Borbidge is against flogging, but he admits that he could change his mind; however, under what circumstances I am not sure. The fact is that the Opposition's lack of a law and order policy has been exposed. It is just further proof that it will do and say anything in a pathetic attempt to gain cheap publicity.

Perhaps it is timely to draw once again the attention of Opposition members to that best-seller, the Fitzgerald report. I refer them especially to figure 4.12 on page 157, which itemises crime per head of sworn member, the crime category and the number of offences with a comparison of 1969-70 with 1987-88—18 years. Joh was there at the helm; the coalition was in power. Mr Speaker, I tell you it

makes very interesting reading. For example, the increase in general crime over that 18 years when the Nats were in power was a massive 140 per cent. Under the column headed "Overall trend" the comment read "Rising". The percentage increase in assault was 1,260. The overall trend was rising. Over the 18 years the Nats were in power, there was a 131 per cent increase in break and enters. The overall trend was rising. Here is a good one. Drug offences: the increase—wait for it—3,016 per cent over the 18 years the Opposition was in power. The overall trend was rising.

Mr Fitzgerald summed up this section as follows—

> "Taken as a whole, these figures show starkly that there is a crisis in crime prevention and control. Despite an increase in the actual numbers of police over the period in question, the hours of police effort available per unit offence has fallen, and the most common types of crime are rising more and more steeply."

As I said, how this motley crew would have the unmitigated gall and audacity to come into this place and complain about law and order trends at the present time is beyond me.

After saying all that, I am going to be positive. Let us look seriously at what is happening in this State under the Goss Labor Government. What has happened over the past five years? What is that old adage: "Lies, damned lies and statistics." I will leave the former part of that phrase to those members opposite and I will talk about the statistics. Police numbers have increased Statewide at almost twice the rate of the population growth. There are now almost 1,500 more police on the streets than there were under the National Party in 1989, which is 4,120 police out of 5,282 police under the National Party Government compared with 5,600 police out of 6,200 police today.

The police budget has risen 70 per cent from $295m under the Nats in 1989-90 to $503m in 1994-95. Members should work it out for themselves. This means that the Goss Labor Government is spending $200m more on policing this financial year than the National Party did in its last entire year in office.

It is quite simple. There are three issues. Since 1989, the Queensland population has risen by 11 per cent. Raw police numbers have risen by 18 per cent. Operational police numbers are up by 35 per cent. Much of that success in increasing the number of police on Queensland streets has been achieved by civilianisation. Civilians have been placed in positions traditionally occupied by sworn police officers. The Government's $40m funding for law and order initiatives—the growth funding program announced in the 1993-94 Budget—provides the blueprint for this civilianisation up to June 1996. The growth funding program provides for an increase of 100 sworn officers and 300 unsworn staff up to the same date.

The transfer of police officers from support functions to operational functions and their replacement with non-sworn staff or the appointment of civilians to carry out new functions, which will avoid the need to divert operational police, will occur in some 175 cases. Some 125 unsworn staff have been, or will be, employed to implement new initiatives such as the ATSI Liaison Officer Scheme; the computerised crime reporting system—CRISP; the Police Beat Shopfront Program; and the expansion of the police communications network. The employment of unsworn staff for these initiatives avoids the necessity to divert police away from operational roles.

Smarter policing leads to greater success in fighting crime. And this Goss Labor Government recognises that crime is a serious problem. We are not denying that; it is a serious problem. That is why the Government funded the $2.4m Property Crime Squad, which commenced in September last year. In its first six months, the Property Crime Squad has had great success in operations in Brisbane, Beenleigh and the Gold Coast, with 263 persons arrested on 2,758 charges and over $1m worth of stolen property recovered.

Under the Goss Labor Government, the police have forged a greater partnership with the community in the fight against crime. We now have 900 community policing groups Statewide. We have put the police back into the community via the Police Beat Shopfront Program and CRISP. We have given them an enhanced ability to track and respond to crime trends. CRISP created the equivalent of an extra 400 police when implemented Statewide last November.

Prisoner numbers have grown by 25 per cent in the past 18 months, which is why the Government is building 718 new cells over the next two years. Honourable members opposite should not give me any of that rubbish that we need more prison cells because more crimes are being committed. The fact is that we are catching more criminals. The police are improving and are catching more criminals.

I will cite an example of the spreading of untruths and misinformation in voter land. Just

today in my local throwaway newspaper, I read an article headed "Police shortage comes under fire". It stated—

> "Rumours of declining police numbers have fuelled public fear that assaults and gang violence will continue to worsen in Petrie. However, senior police officers have discounted claims that as many as 23 police officers have been transferred . . . According to concerned mother and community worker, Betty-Anne Ashworth, many children are scared to walk around Petrie at night.
>
> 'My daughters and their friends are really frightened', she says.
>
> 'Kids have got to hope like hell their parents are there to meet them because there's no way it's safe to hang around on the . . . platform.
>
> 'Once upon a time you could drop your kids off at the pictures and if you were 10 minutes late . . . it was no problem. Now our kids don't feel safe and it's not fair.' "

Cynically, I was not unduly concerned because this lady happens to be a member of the local Liberal Party. Her husband stood unsuccessfully against me at the last election. I do not deny anyone the right to belong to a political party or put articles in the paper. Nevertheless, I thought I had better check up and ring the local people in blue at the Petrie Police Station. Needless to say, they did not back up any of those claims. There was no transfer of 23 officers as claimed. As a matter of fact, I am informed that in 1992 we had 26 police at Petrie. Today, we have 43. I have not had time to find out how many we had in 1989.

Wait for it, it was even sweeter music to my ears when I was informed by the officer in charge at Petrie that property crime offences in my electorate have dropped by 50 per cent over the past 12 months. I am happy to report to this House that the boys and girls in blue at the Petrie Police Station are on top of the job. Like any urban locality, we get the usual yobbos hooning up and down the streets trying to be Juan Fangio or Jack Brabham**.** That will always be a problem. However, with the cooperation of the public we can curtail that behaviour. For example, people have taken down registration numbers and the information has been passed on to police in squad cars.

Anyone who listened to the Opposition members speaking on law and order would think that this State has a mortgage on crime. They should have had a look at last night's *7.30 Report*. They should tell John Fahey how to run his State. They should take a trip to Sydney and give that Government the benefit of their know-it-all information. That Government is in urgent need of answers. Hoodlums have taken over the trains and the safety of passengers is not guaranteed. All this in a Liberal/National Party run State! After next Saturday's election, the Government should be sent up here to learn how the Goss Labor Government handles crime.

I am running out of time. I will give Opposition members a bit of advice. They should remember the old saying that you can fool all of the people some of the time and some of the people all of the time; but it is difficult to fool all of the people all of the time, and members opposite are not fooling anyone. Theirs are the politics of fear, not backed up by evidence and facts. We will be going to the people later this year, as we did in 1989 and 1992, and members opposite will not like what people say.

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (4.05 p.m.): Obviously, the member for Kurwongbah, Mrs Woodgate, has her head in the sand. I cite the local paper in my area, which covers quite a number of constituents. The headline reads "The Thin Blue Line Is Getting Thinner". For the information of the honourable member, I point out that a maximum of two officers are rostered to police more than 20,000 people in Caloundra every weekend. There is a single constable on Sunday roster. This is from the police rosters; it is not made up by us. Maleny is closed on weekends and Landsborough has an officer on duty from 9 a.m. to 2 a.m. on Saturday and 10 a.m. to 10 p.m. on Sunday. And at our so-called 24-hour police stations at Caloundra and Kawana, calls are regularly put through to Maroochydore. The Minister should tell us about that. This is taken from a police roster; it is not made up by the Opposition. So much for the lies of the Government!

This State Government's mismanagement of law and order means that there are many problems which need to be fixed, many remedies which are needed to solve the myriad problems caused by this Government's mismanagement. However, today I wish to focus on juvenile crime, which is probably the most disheartening and the most distressing by-product of the current increase in crime under Labor. This Government is never slow to quote those academics whose theories support it,

particularly those who are also on the payroll, so let me quote an academic who does not agree with the State Labor Government. Queensland University of Technology's Brett Mason from the justice studies department has rightly accused this Government of sending mixed signals on juvenile crime. He says—

> "The public is entitled to expect that young offenders will be told what they are doing is wrong and will be held accountable for their actions. They (juveniles) must be punished first and then helped to integrate back into the community."

In conclusion, Mr Mason said—

> "The Government is missing the boat regarding the impact of juvenile crime upon the community."

This man is not a member of the Opposition. I could not have said it better myself. Five years ago, who would have thought that juvenile street gangs would be terrorising Brisbane suburbs, including the Premier's suburb? I refer to the Toowong boys, and the gangs in Inala, Logan, the city and the Valley. Street kids are forming gangs based on US movies and are becoming involved in assaults, break and enters, graffiti and just plain muggings. To be admitted to these gangs the prospective member has to commit a crime as part of his or her initiation rite. And these are just the more visible, more frightening aspects of juvenile crime.

Nearly half of all children appearing before Queensland courts in 1993-94 faced burglary charges, according to the Family Services Department's own figures. The same report showed that a total of 4,827 children appeared before Queensland courts on a total of 15,076 charges. These are the ones who were actually caught. While almost half of those charges were related to burglary of some sort, what is particularly disturbing is that there were almost 700 appearances by children on assault charges. In 67 per cent of child court appearances, charges were proved but convictions not recorded.

No-one in the coalition would want to see minor, first-time juvenile offenders locked up unnecessarily. However, one of the major problems with the growth in juvenile crime is the fact that this Government is weak and spineless when it comes to dealing with juvenile criminals, and the kids out on the streets know it. One has only to talk to juvenile offenders to know the truth. They are not afraid of police, they are not afraid of prosecution, and they are not afraid of the courts. The reason they are not afraid is that they know the system under Labor—like members opposite—is weak. Street kids in the Valley know the laws relating to arrest or so-called "moving on" laws better than most parliamentarians and, indeed, the Minister. They know that, when it comes to juvenile crime, the police have their hands tied. Just ask the victims of juvenile crime—those people whom Government members forget. Ask those home owners and business people who have had their properties broken into by juveniles.

In my own electorate of Caloundra, the police and the JAB have been left underresourced and undermanned and are unable to deal with juvenile crime. They are stretched to the limit by being forced to deal with everything from domestic violence to car accidents. Frustration is high within the Police Service as officers are forced to watch teenage gangs and juvenile offenders walk away from crimes because they either do not have the resources or are crippled by the Juvenile Justice Act and the Penalties and Sentences Act. All too often, juvenile offenders are arrested and brought before the courts only to be out on the streets again within hours because the Family Services Department, under direction from the Minister, almost always recommends that they be released. Even those on bail or under curfew who reoffend have been let back out on the streets by the department.

The Family Services Department is the doormat on which this Government wipes its feet every time there is a problem with juvenile crime. To quote an organiser of that wonderful male bastion, the AWU, Anne Warner is running a department which has become "an absolute joke". The Family Services Department needs crisis care itself! Welfare workers working with juveniles within the department are so stressed that the average term of employment is down to nine months and decreasing.

A Government member: Oh!

Mrs SHELDON: This information has come from welfare officers themselves—people to whom Government members never speak. The problem is made worse by the lack of welfare officers available for follow-up supervision. Although the Children's Court may make orders that juvenile offenders carry out community service work or some other sentence instead of incarceration, most of those cases are unsupervised because the Family Services Department does not have

the resources to supervise the court orders. Juveniles are refusing to turn up to court-ordered community service orders and getting away with it scot-free because there are no Family Services Department officers to supervise the orders out there in the community. That is how the system is run here in Queensland under Labor, and that is why there are so many repeat offenders among our juveniles.

Even when juveniles are finally incarcerated, there is little to stop them reoffending. The riots which led to the closure of the Westbrook centre and the mass break-outs from John Oxley and Sir Leslie Wilson have made the department into the bad joke of Queensland law-and-order services. What is worse is that the department is failing to fulfil its own basic duties because of mismanagement from the top.

The Juvenile Aid Bureau of the Police Service has been left carrying the can for Anne Warner's failures. This is despite the fact that the JAB itself is stretched to the limit. I refer members to the comments by JAB officer Detective Sergeant Mal Elliott in October last year in which he described the situation at John Oxley Youth Detention Centre by stating—

> "The security there is zero."

One does not get a more definite or damning indictment than that, and that relates only to those juveniles who have actually been arrested and incarcerated.

On the Sunshine Coast, there are only 11 or 12 JAB officers covering the entire region of about 150,000 people. More often than not, they also carry out the duties of the Family Services Department, because the few welfare officers are too busy to even come close to covering the number of problems related to juveniles. I have it on good authority that Family Services Department officers are almost exclusively dealing with child-abuse cases and are unable to carry out preventive or counselling work with delinquents.

I wish to remind the House of comments last year by Children's Court judge Fred McGuire. Judge McGuire said in relation to a juvenile case before him—

> "I did have in mind a period of detention that exceeds two years, but my hands are tied. In my opinion the sentencing powers in these cases of multiplicity of offences is inadequate."

"Inadequate" seems to be an understatement to me, but Judge McGuire's sentiments are to the point. Judge McGuire also commented in November last year that—

> "In the public interest there has to be more and better control at detention centres. I accept it's a tough job looking after wayward children, but there must be a better system put in place."

Unfortunately, that system is not improving, and it is actually decaying further.

There is a growing trend in charges being brought before the Children's Court of more and more serious offences. We all know of the weekend murder of grandmother Clara Bellert in her nursing home unit. That was an horrific crime. That lady was 78 years old and she was killed for under $30. What is worse is that the person arrested and charged with that murder is 16 years old. I do not wish to discuss the details of that case further——

Mr Welford: I shouldn't think you would.

Mrs SHELDON: I inform the member that all of that information is contained in the newspapers, and if he bothered to read them he would realise that fact. Such a pointless and heartbreaking crime indicates just how bad things have become in the area of juvenile crime.

Before those opposite start running around claiming falsely again that all the coalition does is knock, let me detail areas in which this Government, if it had any real dedication to solving these problems, could dramatically improve the fight against juvenile crime. I believe that there must be a many-pronged attack on juvenile crime by the Government. Firstly, the issue must be tackled at its source. Problems within families or with specific children must be identified and tackled early, during pre-school and primary school, before the problems get out of hand. The Government should provide counselling and support services in this area, and new strategies must be developed to try to overcome delinquency in children when tendencies first reveal themselves. Families also need support at a community level rather than just Government agencies, and there are ways in which the Government could assist with community support for juveniles and their families.

I believe that the Government should be utilising mediation much more than it currently is. Instead, the Government is merely mouthing rhetoric on that issue. Mediation can be used in two ways. The first is to involve a Family Services Department welfare officer, a psychologist, parents and the young offender. That should be done after an initial offence or when problems first appear. The other aspect to mediation which should be employed when

dealing with offenders is meetings between family, offender and victims, preferably at the site of the offence, to drive home the harm which can be caused.

Time expired.

Mr NUTTALL (Sandgate) (4.15 p.m.): I welcome the opportunity to participate in this debate. I want to respond briefly to the comments by the member for Caloundra on the so-called lack of resources in her electorate. I have actually visited the brand-new police station at Kawana, which is adjacent to Caloundra. That station is fully resourced with the most up-to-date equipment available. Those resources can be accessed by the people in that region.

One issue to which I have referred previously—and it is an issue that has not been touched on during this debate—is community policing. This Government has always placed great stock in building stronger links between the police and local communities. I am aware that the Opposition has raised that subject previously. In October last year in the *Courier-Mail*, it was reported that the Opposition was at that time considering some concrete proposals. In addition, Mr Borbidge has said from time to time that the Opposition's policies at the moment were umbrella initiatives, and the election strategies were yet to be worked out. The Opposition has brought on this debate today. This debate offers an opportunity for the Opposition to reveal its election strategies and to outline to the people of Queensland the law and order policies that it proposes.

Mr Livingstone: They don't have any policies; they're just knockers.

Mr NUTTALL: That is right. The Opposition cannot offer superior alternative policies, because the policies of this Government are working. The Opposition does not have concrete policies to present to the people of Queensland. The policies adopted by previous conservative Governments did not work. This Government has introduced community policing, which is part of a package.

Mr Cooper: Crime is going through the roof.

Mr NUTTALL: Crime does not go through the roof in those communities which cooperate with the police and those communities in which community leaders are taking an active role in trying to prevent crime.

This State has 100 community consultative committees, which are working closely with the police. At present, 561 Neighbourhood Watch schemes are in operation. In 1992, there were 497 schemes operating; there are now 561. Queensland has 250 Safety House committees and 25 Crime Stoppers committees. Other groups in our communities include Youth Advisory, Drug Stop, traffic consultative committees, ethnic advisory committees and domestic violence committees. The activities of such committees have achieved a large number of positive results.

All members should be promoting the literature published by the police force. I have a couple of examples of those publications with me, one of which is titled *Property Identification*. Those who are keen on community policing would be aware that March has been earmarked as property identification month. In my electorate, I have worked closely with the police and the Neighbourhood Watch groups. Collectively, we have been trying to educate the public on that initiative. Some of the other brochures published by the police include *Small Business—A Secure and Safer Workplace*, *Security in the Home* and one relating to the School Watch Program—a very important initiative to which I will refer further. Those types of initiatives will help to reduce crime in local communities. Scaremongering serves no useful purpose. People should be pro-active in attempting to reduce crime in their communities rather than relying solely on the police.

Another initiative of this Government—and it was one of our policies in the last election—was the police beat shopfront program. I would like to discuss that program quickly. The policy recommended that we have an official and more comprehensive policing presence in shopping centres, particularly during peak shopping periods, and that police be located in shopfronts or relocatable units at some 30 major shopping centres by the end of 1995. That is the objective and the goal that we set ourselves. By 30 June this year, there will be 16 permanent shopfronts and 14 portable shopfront modules in operation around the State. An additional 16 permanent shopfronts will be established between 1 July 1995 and 30 June 1997, resulting in a total of 32 permanent shopfronts and 14 portable modules. That means that there will be 46 sites with shopfront programs. In 1992, the program began with trial periods on three sites. In 1993, over Easter, that increased to eight sites. As I said, by June 1995, there will be 30 sites and by the end of June 1997 there will be 46.

One of the objectives of that program is to improve community feeling and personal safety in shopping areas. It is about reducing the community fear of crime, helping to satisfy the need for people to communicate more easily with police and, of course, to raise the perception about the risk of detection for those committing offences. The success of the program has been due to the way that it was developed, which was as an operational exercise rather than just a public relations exercise.

Another worthwhile program—and again it is one of the programs in which I have been pro-active in my electorate—is the safety audits program, which is administered through the Department of Administrative Services. Basically, under that program officers from that department go out and talk to neighbourhood groups and look at areas where places can be made safer, such as identifying the need for a public phone, better lighting, where it might be more advisable to change the bus and train timetables and look at police patrols to cater for specific nights of the week which display some sort of crime pattern. The program is about a partnership; it is about keeping the community safe and working together.

Another issue, which is one of the most important, is the issue mentioned by the member for Kurwongbah, that is, Aboriginal and Torres Strait Islander liaison officers. I have had the opportunity of visiting some of the Aboriginal community settlements in Queensland and I have spoken with some of those Aboriginal liaison officers about their role and duties within the police force. Each and every one of those people whom I spoke to—both Aboriginal and non-Aboriginal—was very supportive of the project and believed that it was a very worthwhile initiative. Initially, the program originated with funding by DEVETIR in a trial program with the Aboriginal Legal Service and the Townsville City Council.

The Queensland Police Service employs liaison officers in seven of the eight police regions throughout this State. Those officers are employed under a Queensland Government award, so they are award employees whose salaries and conditions are in accordance with that award. An indication of the continued enthusiasm for the project was seen here in Brisbane where Aboriginal and Torres Strait Islander liaison offers were appointed recently. Some 315 people inquired about those positions. That speaks volumes for the program.

This program has led to a marked improvement in Aboriginal and police relations. In particular, the number of complaints against police by members of the Aboriginal communities has declined significantly. There have been other positive benefits of the scheme, including a reduction in criminal offences, particularly around business centres, and there has been a restoration of public confidence in the Police Service by the Aboriginal people.

Time expired.

Mr COOPER (Crows Nest) (4.25 p.m.): A dangerous and ugly new form of urban terrorism is shattering the peace and quiet of our homes, as violent thugs, frustrated by the barriers imposed by an increasingly vigilant business community, turn to the softer targets of private homes. Dubbed "home invasions", these terrifying and vicious crimes are a relatively new phenomenon and, as such, require a new direction in policies to combat them.

The coalition's response to these savage assaults is based on what is accepted by all decent and law-abiding people as fundamental truths—a person's home is sacrosanct and anybody who violently or aggressively invades it has forfeited any rights. It is a perfectly natural, understandable and legitimate extension of the acceptance of those fundamental truths that the lawful occupiers of any property should have—indeed, must have—the guaranteed right to defend themselves, their families and others and their property. That is the simple, philosophic core of the coalition's policy on this matter yet, almost inconceivably, it has provoked the most extraordinary and hysterical reaction from the Government. It forces the question: if the Government is not on the side of the peaceful, decent, law-abiding occupant of a home or business, then whose side is it on?

The coalition makes no apology, and it certainly does not withdraw or qualify its beliefs and its policies to combat this ugly, unforgivable crime because they are soundly based on what the community demands. It seems that the Government is blind and deaf to the rising tide of anger in the community, but the coalition is certainly not.

There is a well-founded perception in the community that the victims of crime are abandoned, or even made to feel victims all over again, by the system that this Government has created. While the offender is often given taxpayer-funded legal aid, expert counselling and support, the victims are left alone to handle the grief, pain and trauma and, even worse, face charges themselves for

no other reason than they acted to defend themselves.

Under a coalition Government that will change with a most comprehensive, well-integrated and soundly based law and justice package. The response of the Government to our undertaking to give home and business owners the guaranteed right of defence has not just been hysterical, it has been contradictory and deceitful. So what is the situation now? Section 271 of the existing Criminal Code reads—

> "When a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effective defence against the assault provided that the force used is not intended, and is not such as is likely to cause death or grievous bodily harm.
>
> If the nature of the assault is such as to cause reasonable apprehension of death or grievous bodily harm, and the person using force by way of defence believes, on reasonable grounds, that he cannot otherwise preserve the person defended from death or grievous bodily harm, it is lawful for him to use any such force to the assailant as is necessary for defence, even though such force may cause death or grievous bodily harm."

In a letter to me dated 20 July 1994, the Attorney-General wrote—

> "The term 'reasonable' in the section of the Criminal Code does not have any technical meaning. It is the common sense lay use of the term."

The letter continues—

> "What constitutes reasonable force depends on the circumstances of each particular case. The matter will be judged by a jury in each particular case. The law here merely captures common sense and uses common sense to ensure that justice is done in the different circumstances of each case."

The Attorney-General lays great stress on commonsense in his correspondence but launches into the realm of fantasy when the coalition proposes translating commonsense into reality. The Government has become so mired in its own bog of contradictions that it simply does not know what it is proposing. For example, last October, the honourable member for Sandgate, Mr Nuttall, issued a leaflet headed "Law and Order" which made some wonderful claims about this Government's new draft Criminal Code. That leaflet/letter has been circulated widely by many Labor members and candidates, not forgetting that the proposed, so-called Criminal Code, when we see it, is the very cornerstone of the Government's law and order policy. We have not seen it yet. Under the banner, "Extension of the Right to Defend Your Own Property", Mr Nuttall wrote—

> "Defending your own property has been greatly extended beyond the current defence allowed in a dwelling house. You will be able to use reasonable force—even if that causes bodily harm to the intruder—to protect your property."

Thus, on the one hand, the Government is promising what Mr Nuttall has referred to as a great extension to the right of property owners to defend—a right which, even now under the existing Criminal Code, makes an allowance for a defence for causing the death of an intruder—and on the other hand the Attorney-General and others are losing touch with reality when the coalition proposes to ensure that that right is guaranteed. It is simply guaranteed. Once again, the chasm between the deceitful Government's words and deeds is vast and unbridgeable.

We believe that, if a right is not guaranteed, if it depends on circumstances, it is simply not a right at all. The simple and undeniable fact is that property owners who do act to defend themselves can face a nightmare of charges. Today, I wrote to the Attorney-General about one particular case shortly to go before the court which, for that reason, I cannot elaborate on. I urge him to respond positively to my letter.

Earlier, I alluded to the Government's response to our proposal for a guaranteed right to defend. The Police Minister said that it was a "shoot first and ask questions later" policy, and the Attorney-General claimed that the policy would see Avon ladies, pizza delivery boys, Meals on Wheels providers and others mown down by trigger-happy paranoids the second that they ring the bell. That was an appalling outburst which did nothing other than try to trivialise the debate on a matter which is of deep concern to every decent and law-abiding citizen in this State—all 3.1 million of them. It was also a calculated insult to the intelligence and restraint of all gun owners and so demonstrably silly that it backfired on the Government itself. It is absolutely ridiculous.

If the Attorney-General really and honestly believes that old-age pensioners will blow away the Meals on Wheels providers, he should urgently press the Police Minister to

start all over again with his so-called gun control laws. Once upon a time, when the gun laws were introduced, the Government, including the Attorney-General, solemnly assured us that access is now denied to such so-called irresponsible maniacs. However, according to the Attorney-General, old-age pensioners will lie in wait, armed to the teeth, ready to gun down Meals on Wheels volunteers, and housewives will peek from behind their curtains not wanting cosmetics but blood from the Avon lady. Obviously, the Government's gun control laws have been a truly spectacular failure.

My proposal is based on a recognition of the widespread community concern at the alarming upsurge in the crime that is dubbed home invasion and recommends that the Criminal Code should contain an offence called property invasion. It further recommends that persons may be charged with that offence if they obtain illegal and/or forced entry of any place while that place is occupied lawfully by any other person and commits one or more of the following acts: use or threatened use of actual violence; use or threatened use of a dangerous thing; being armed or pretending to be armed with a dangerous thing; being armed or pretending to be armed with a replica of a dangerous thing; use of intimidatory and/or offensive language; theft, threatened theft or attempted theft of any property; damage, threatened damage or attempted damage of any property.

I propose that the minimum penalty for that offence should be a mandatory six months in secure custody and that the maximum penalty should be a life sentence. Further, I advocate that if any person subjected to the offence of property invasion is a minor, is intellectually impaired, is physically disabled or is over the age of 60, the minimum penalty should be a mandatory sentence of 12 months in secure custody. Further, persons convicted of that offence should not have any right to take any action against any person for any action that those persons took to defend themselves, any other person lawfully present and any and all property.

Further, it should not be an offence for any person lawfully occupying a place to take any action to defend themselves, any other person lawfully present and any and all property. Further, I believe that persons charged with that offence could also be charged with other offences, depending on the circumstances, and that any sentence or sentences imposed for convictions on those other offences should be served in addition to and not concurrent with the penalty imposed for a property invasion conviction.

Further, persons convicted of that offence would be required, immediately after conviction, if requested by the victim or victims, to make a formal, face-to-face apology. Any failure to make that act of contrition should be regarded as a contempt of the court and dealt with accordingly. Further, any person convicted of that offence would also be required to serve a period of community service for the victim or victims, if so requested, or would be required to make financial restitution for any loss or damage of property and in recompense for pain and suffering.

I propose that that penalty would be separate from any imposed sentence and would apply immediately the convicted person is released from secure custody. Throughout the community, that proposal has been widely welcomed. That is the sole reason for the Government's hysterical reaction. The proposal now goes forward to the coalition parties for debate and consideration. Although I am sure that some finetuning and finessing will be required, I know that the fundamental core of the proposal has been accepted, as it is accepted across the State by people who are genuinely concerned, and so they should be.

Time expired.

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.36 p.m.): In a debate on this issue, one of the important matters that the community considers is the question of credibility. That includes the credibility of the Government, the credibility of the Police Service and the credibility of the Opposition, which, only a little over five years ago, ran this State and ran the Police Service for 32 years.

A different question altogether is: who is in charge now and what has occurred. We in the Government are proud of what we have done in five years. Members of the Opposition are not a brand new batch of politicians. Mr Cooper was a prominent member of the previous Government, as was Mr Borbidge. Members of the public are not fools. They know that the Opposition does not comprise a new team of people. They know that some of those members were a part of the Government that allowed the disgrace of policing in Queensland to reach the depths that were revealed in the Fitzgerald inquiry.

That is why we in the Government can calmly and rationally debate the issue and

merely point to the prominent frontbenchers who failed so dismally, not on our say-so but on the say-so of the greatest inquiry into policing that has occurred in Australia in this century. The former Government's Police Commissioner was sentenced to 14 years' imprisonment, and 10 other important police officers were either sent to prison or given indemnities in order to give evidence. The public is not fooled by that, nor is the public fooled by false figures.

Under this Government, the Police Commissioner was the chief investigator for the Fitzgerald inquiry—a man praised by Fitzgerald for his great service. Commissioner Fitzgerald said that he could not have done his job properly without the strong service of Jim O'Sullivan. When I quote those figures, they are not my figures; they are the figures of the Police Commissioner. I do not keep the figures of the Police Service in my office. Those figures are given to me by the chief investigator of the Fitzgerald inquiry, who is now the Queensland Police Commissioner, and are therefore put forward on that basis.

The Leader of the Opposition tried to make a point about the figures supplied by the PSMC and the CJC. As always in debates such as this, one must compare apples with apples. The phrase used by the CJC in calculating its figures was "direct service delivery", whatever that means. The Police Commissioner supplied me with figures of what he calls operational policing, which is different from direct service delivery. I have the figures that were applicable in December 1989 and the figures that are applicable now. Those figures are supplied to the Parliament from the Police Commissioner with that background and with that integrity.

These are the figures that he gave me: in December 1989, there were 4,120 operational police in Queensland. In January 1995, there are 5,563 operational police in Queensland—an increase of about 1,443. For the benefit of the Leader of the Opposition who does not want to know this, I repeat that they are not my figures; those figures were given to me by the Commissioner of Police. If anyone impugns those figures, they impugn his integrity. Therefore, I challenge anyone to do that.

Mr Borbidge: We stand by them.

Mr BRADDY: The honourable member stands by so many shonky figures in this place that his credibility is not worth anything.

Mr Borbidge: They are out of your annual reports.

Mr BRADDY: The figures I supply are up-to-date figures supplied by the Commissioner of Police and I stand by them.

Mr Borbidge interjected.

Mr BRADDY: I listened in silence to the honourable member and I ask him to sit back and listen for a change. In addition to those operational policing figures, we have employed nearly 100 police liaison officers who, as the senior police and junior police who work with them tell me, in the work that they do and in the regions in which they work are as good as and in many instances more important than the sworn police officers. When one adds the 100 police liaison officers to the number of sworn police, one can see the significant benefits that we have received from that initiative.

The Opposition likes to seize on anecdotes and to spray around names. I will take up one of those anecdotes that was mentioned by a member of the Opposition who alleged that the Valley is a real problem. With the police, we have made real efforts to clean up that part of Brisbane. If Mrs Sheldon and Mr Cooper are interested, I will give the Opposition some figures.

A comparison of the number of street offences that occurred in the Valley in January and February 1994 and the number that occurred in January and February 1995 reveals that, because of good policing methods, those offences have fallen by at least 40 per cent. That is a result of measures such as the use of police liaison officers, cameras and a police shopfront. In terms of that example, the Opposition fails again.

Mrs Sheldon disgraced herself by referring to that one particular murder for which a person has been charged. I do not know any period in our history when murders have not occurred. However, during the last completed full year the number of murders in this State fell——

Mrs Sheldon: Little old ladies in the last month have been raped, bashed and one murdered. That's okay by you, is it?

Mr BRADDY: The honourable member should just be quiet and listen. In Queensland in the last completed full year, the number of murders fell by over 30 per cent. If the honourable member is going to refer to one isolated case of murder, she must do so in the context of a period—presumably in the National Party/Liberal Party never-never world—in which no murders occurred. Of course, that it is not possible. Today, the rate of murders per head of population is less than

at any time when members opposite were in Government. Queensland is not a murder-ridden society. There is no need, in an effort to frighten people, to cite one example as the member did dishonestly and disgracefully.

In terms of the so-called urban terrorism to which Mr Cooper referred, the other day we witnessed another disgraceful effort of his. When he and I were debating on radio, he referred to some 40,000 home invasions, which clearly means that his definition of a home invasion must be a break and enter offence. What a disgraceful way to try to mislead the population. Using a realistic definition of home invasions, the Police Department informs me that in the vicinity of 70 or 80 occurred. Yet somehow the honourable member came up with that figure of 40,000 home invasions. Similarly, he is now trying to cover-up the stupidity of what he is suggesting——

Mr Cooper interjected.

Mr BRADDY: Mr Deputy Speaker, may I be heard?

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The honourable member for Crows Nest has had a fair go.

Mr BRADDY: In terms of his attempt to now try to cover up the foolishness of his attack on the proposed amendments to the Criminal Code in relation to shooting people as they enter, he made it very clear on the radio program *A.M.* that people are entitled to shoot someone who they regard is entering premises unlawfully and that no charges would be laid against the person for doing so. Of course, that is an absolute nonsense. The Government has said that people are entitled to use reasonable force. The Criminal Code is being amended to make the position absolutely clear in cases where people use reasonable force. To say to the members of this society, "It doesn't matter whether you were totally wrong, as long as in your own mind you thought you were entitled to shoot", is an absolute nonsense. That is what the honourable member is guilty of saying.

This Government's record shows that we take policing and crime very seriously. People can compare what this Government has done and what it will continue to do through measures such as the Property Crime Squad and other new innovative methods of policing with what the members opposite did not do for 32 years. I am quite confident that, if people look at the record of the two Governments and the purposes we intend to follow, they will follow us.

Time expired.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! Honourable members, the time for this debate has expired.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Hon. K. E. De LACY (Cairns—Treasurer) (4.46 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend certain Acts about superannuation."

Motion agreed to.

First Reading

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

Second Reading

Hon. K. E. De LACY (Cairns—Treasurer) (4.47 p.m.): I move—

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

The purpose of this Bill is to introduce amendments to the legislation governing the superannuation schemes of Queensland Crown employees and members of Parliament. The amendments are required predominantly to ensure that the schemes take account of new Commonwealth superannuation legislation and to implement the Government's decision that the Queensland Investment Corporation be the investment manager of the major Queensland Government superannuation schemes. A number of other administrative amendments are also being made to the schemes.

The Commonwealth Government, in an effort to more effectively supervise superannuation, has introduced a range of prudential measures which detail the obligations on trustees, administrators and investment managers of superannuation funds. Whilst the Queensland Government is seeking a formal exemption from the legislation for the major centrally administered schemes on constitutional grounds, these schemes will conform through an inter-governmental agreement with the principles and aims of the Commonwealth's legislation.

This Bill therefore removes the current references in the legislation establishing the Q Super, Gosuper, State, Police and Parliamentary Schemes to mandatory compliance with the current, but to be superseded, Commonwealth legislation.

Provision is made in the Bill to allow the Acts to be specifically amended in the future, where necessary, in terms of the agreement, to comply with the detail of the Commonwealth legislation. With the likelihood of continuing change to Commonwealth legislation, the provision allows amendment of scheme provisions by regulation for a limited time period of 12 months.

The Commonwealth Government has also moved to institute a specialist complaints body for the conciliation and arbitration of disputes concerning superannuation to cater for both its technical nature and the overlay of trust law obligations. The Queensland Government believes it is desirable that beneficiaries of its schemes be given access to this inexpensive review body in the same manner as all private sector employees. Hence, this Bill provides for existing Supreme Court appeal provisions to be removed on proclamation. This would occur at the time the Commonwealth/State agreement is finalised and the Commonwealth finalises regulations to allow the State schemes access to this tribunal. A determination of the Superannuation Complaints Tribunal may be appealed to the Federal Court on a question of law. Judicial Review Act provisions such as procedural fairness will still also apply.

The Bill also addresses the investment management of the superannuation funds. As part of the corporatisation of the Queensland Investment Corporation, the Government has determined that the corporation will be the investment manager of the superannuation funds. This decision will enable the corporation to plan its investment decisions with some certainty, and will pay dividends to members and taxpayers in the form of low-cost and tax-effective funds management.

In line with industry and sound business practice, the corporation will be required to work within investment policies and objectives as set by the trustees of the schemes and be assessed against performance thereon. Whilst the Bill allows for a change in the investment manager, this would obviously occur only after consultation with all key stakeholders.

The Bill introduces a retrospective "top-up" provision into the judges and Governor's pension legislation to ensure that the employer-provided benefits from these schemes are sufficient in all instances to meet the level of employer support required by the Commonwealth Government's superannuation guarantee charge legislation. These schemes pay life pensions where a judge or Governor meets minimum conditions, such as length of service. Where a person does not meet the minimum conditions to qualify for a pension, the State is now obliged to provide superannuation at a level equivalent to that specified by Commonwealth legislation.

A number of minor administrative amendments are included in the Bill. These will—

consolidate a member's minimum preserved benefit in State Super or Police Super with the Gosuper benefit of the employee;

give the State Super and Q Super trustees power to determine conditions for the repayment of overpaid benefits;

ensure that persons who hold statutory appointments can be members of Q Super;

provide a resignation benefit for members of the police scheme who cease on health grounds where the board is not satisfied of incapacity;

allow the appointment, on a rotational basis, of one-half of the board members of Gosuper, Q Super and State Super;

remove specific contribution and benefit provisions in the police scheme relating to, now outdated, later retirement ages for the Deputy Commissioner and Commissioner;

correct a technical difficulty in the calculation of the Parliamentary ill health benefit;

clarify the existence of a sub-fund of Q Super, necessary to identify taxed funds;

provide for ministerial approval to bring new members into Q Super and Gosuper; and

treat consistently, and in line with Commonwealth Government requirements, all unclaimed monies in the superannuation schemes.

I commend the Bill to the House.

Debate, on motion of Mrs Sheldon, adjourned.

DRUGS MISUSE AMENDMENT BILL

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.53 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Drugs Misuse Act 1986, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.54 p.m.): I move—

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

The abuse of amphetamines is a growing problem throughout Australia. Approximately 30 per cent of persons referred to drug and alcohol treatment centres exhibit amphetamine abuse as their major drug problem. In Queensland during 1993, amphetamine-related arrests were double that of heroin-related arrests. During this period, the increased use of amphetamines has been attributed to the relatively lower costs and lower penalties associated with their possession and manufacture. In addition, the manufacture of amphetamines from chemical and other medical preparations in home laboratories has also increased in Queensland.

Unlike heroin, which is imported, amphetamines may be produced in Australia and not subject to "dry spells". Also, amphetamines are generally regarded by their users as more pure in comparison to heroin, which has been known to be cut with foreign substances. While amphetamines produce a similar effect to heroin, the side effects are not as enduring.

While amphetamines are illicit drugs in their final format and are prohibited under the provisions of the Drugs Misuse Act 1986, many of the chemicals commonly used in their manufacture are not in themselves prohibited or suitably controlled. These chemicals are referred to as precursors to the manufacture of amphetamines. This has presented operational difficulties for members of the Police Service Drug Squad who have located amphetamine laboratories. Successful prosecution action has not been possible in some cases where the manufacture of the amphetamines had not progressed to the production of a dangerous drug under the Drugs Misuse Act.

I seek leave to have the balance of my speech tabled and incorporated in *Hansard.*

Leave granted.

Many of the precursors have legitimate uses in the chemical industry and it is not intended to place unnecessary regulatory obstructions on legitimate industry activities. However, if possession and use can be restricted to legitimate industrial purposes, the availability of these chemicals for the manufacture of amphetamines should be reduced significantly.

In March 1990, the Australian Police Ministers' Council established a National Working Party on Amphetamine Control to examine from an integrated national perspective operational issues and legislative options to control the manufacture and supply of amphetamines. The Working Party reported to the November 1990 Australian Police Ministers' Council which accepted the recommendations and established a Task Force to oversee the implementation of those recommendations.

The report of the National Working Party made recommendations in relation to the control of amphetamines. Those recommendations included a co-operative response by States and Territories on an agreed list of precursors to be controlled throughout Australia.

A Queensland Inter-Departmental Working Group consisting of representatives from the Police Service's Drug Squad and Policy Branch, Queensland Health and the Government Chemical Laboratories was subsequently established.

To implement the reforms covered by the national recommendations, this Bill proposes to amend the *Drugs Misuse Act* with the insertion of Part 5A "Controlled Substances Information Requirements".

The purpose of the Part is to monitor and control the use of chemicals used in the manufacture of amphetamines and other dangerous, artificial drugs. The monitoring system may provide a mechanism to enable police to trace the sale of specified chemicals from the manufacturer or person who imported the chemicals.

The chemicals referred to as precursors have been listed in Schedule 6 of the Bill.

Persons wishing to obtain any of the chemicals in Schedule 6 will be required, by the supplier, to produce a form of photographic identification such as a driver's licence or passport. These identification particulars will be recorded in a register maintained by the supplier for this purpose.

In cases of purchases by a company, the sales invoice which includes the purchaser's Australian Company Number and any declaration required by the various chemical manufacturers will be sufficient to satisfy the requirements of identification, provided that the invoice readily identifies the controlled substance sold and is kept in a manner that will enable information concerning the sale of the chemical to be readily identified by an authorised officer.

It is anticipated that the requirement for proof of identity would act as a deterrent to people who intend to use the chemicals for

manufacturing amphetamines. Knowledge that police and environmental health officers will regularly check chemical companies and make follow up investigations of unusual purchases will also act as a deterrent.

Authorised officers, and this class includes police officers and environmental health officers, will be permitted to enter a supplier's premises during normal working hours, without warrant, for the purpose of inspecting a register or prescribed documents maintained in relation to any controlled substance.

This proposal is less bureaucratic than the introduction of a new licensing system and is more acceptable to industry, particularly to those currently required by chemical manufacturers to sign a declaration in relation to the intended use of the supplied chemicals.

The company/chemical supplier will be required to render to the authorised officer, all reasonable assistance in locating the register and/or invoices and identifying the person/company to whom the controlled substances were supplied.

The loss or theft of any of the chemical precursors listed must be reported to the police as soon as possible after noticing the loss or theft.

Where an employee of a supplier is responsible for recording particulars of supplied controlled substances in a register, the employee will commit an offence should that person intentionally or recklessly fail to comply with the legislative requirements.

Liability will be imposed on a company for certain acts of the company's executive officer, employees and agents. A company will be liable for the acts or omissions of these persons where such acts or omissions are made within the scope of their actual or apparent authority. In these circumstances, the company will be deemed to have committed the act or omission, and unless the company can prove that it took all reasonable steps to prevent the making of the act or omission, it will be liable for that act or omission.

The Bill imposes a requirement upon executive officers of a company to ensure that the company complies with the proposed provisions. Should the company commit an offence, then each of the executive officers will commit the offence of failing to ensure that the company complies with the provision.

The Bill does recognise however that circumstances may exist where the imposition of this liability would be considered unjust. Accordingly, it provides a defence to an executive officer where that person was either not in a position to influence the conduct of the company in relation to the offence, or if in a position to influence the conduct of the company, took all reasonable steps to ensure that the company complied with the provision.

This amendment Act is an important element of strategies to combat illegal drug use in Queensland.

I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) AMENDMENT BILL

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.55 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the National Crime Authority (State Provisions) Act 1985, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. P. J. BRADDY (Rockhampton—Minister for Police and Minister for Corrective Services) (4.56 p.m.): I move—

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

The National Crime Authority (State Provisions) Amendment Bill 1995 before the House contains several proposals which are designed to improve the efficiency and effectiveness of the operations of the National Crime Authority. The major reform contained in the Bill will prevent the disclosure of the existence of process issued by the NCA in the course of its investigations. It will also prevent disclosure of any information about the reference, the investigation or any hearings or proceedings to which the process relates. Previously, some recipients of NCA summons or notices, such as financial institutions, felt obliged to inform their clients of the receipt of these documents. This has resulted in suspects being alerted to NCA investigations and concealing or destroying evidence or going into hiding. The amendment will help to prevent this happening again, and will clarify the legal position of these institutions.

I seek leave to table the balance of my speech and have it incorporated in *Hansard*.

Leave granted.

While the current provisions of the State Act enable a warrant of apprehension to be issued where a person has absconded, is likely to abscond, or is otherwise likely to attempt to evade service of a summons, they do not provide for the issue of a warrant in circumstances where a person fails to appear at an NCA hearing.

Accordingly, the proposed amendments make provision for the NCA to apply for a warrant of apprehension to secure the attendance of a witness who has failed to attend at an NCA hearing.

In addition to this, the amendment will also serve to protect the reputation of suspects at a time when the allegations have not been properly investigated. The recipient of the summons or notice has to be given sufficient details about the suspects so that they can determine what information is required. The potential for damage to the reputation of these people through disclosure of the existence of the summons or notice could be significant.

It is for these reasons that the decision to make a notation restricting disclosure can only be made where the NCA is satisfied that failure to prohibit disclosure might prejudice the safety, reputation or fair trial of a person, the effectiveness of an investigation, or it is otherwise in the public interest.

Once a notation restricting disclosure has been made, a Freedom of Information exemption, in a similar vein to the Freedom of Information exemption afforded to the non-disclosure provisions contained in section 83 of the Criminal Justice Act 1989, makes it clear that the Freedom of Information Act 1992 does not relate to the notices and summons containing non-disclosure statements issued under the State Act.

The provision has been designed in a way which is consistent with the NCA's desire to be more open and accountable. Instead of a blanket prohibition, this provision will only apply where, subject to the criteria I have just mentioned, a decision is made to restrict disclosure in a particular case.

It is important to note that the provision contains a number of other safeguards:

- Under the amendment, disclosure will always be permitted to allow the person served with the NCA Process to obtain legal advice or legal aid in relation to the process or matter.
- Further, where process is served on a legal practitioner, disclosure can be made to allow the practitioner to comply with any legal duties of disclosure arising from the professional relationship with the client, or to obtain instructions in relation to legal professional privilege.
- Depending on the particular case, disclosure may also be permitted in other circumstances specified in the notation on the summons or notice.

The NCA is giving a higher priority to the co-ordination of efforts by State and Commonwealth law enforcement agencies against white collar and corporate crime. It is evident from past experience that these complex investigations also lead to the disclosure of major tax evasion, proceeds of crime and money laundering offences. White collar crime transcends State boundaries and effective control can only be achieved by the co-ordinated national activities of agencies such as the NCA. The power to obtain documents has proven to be a powerful tool in NCA investigations of fraud and related criminal activity, which are often document based. This amendment will improve the effectiveness of investigations in these important areas.

I believe this Bill contains important reforms which will improve the effectiveness of the NCA as a national law enforcement body.

I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

WORKPLACE HEALTH AND SAFETY BILL

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (4.57 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to promote and protect freedom from disease or injury to persons caused, and risk of disease or injury to persons created, by workplaces, workplace activities and certain plant, and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (4.58 p.m.): I move—

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

No worker should have to suffer injury or disease as an inevitable part of working for a living. This Bill aims to save life and limb in the workplace. Queensland has had occupational health and safety legislation for almost 100

years, since the Factories and Shops Act 1896 was introduced to this House to protect the rights of workers. However, despite modern technology and work practices, the economic cost to Queensland of workplace disease and injury runs to around $1.2 billion a year. Last year alone over 80,000 incidents of workplace-related injury, death and disease were recorded. The legislation before the House today aims to reduce and, ideally, eliminate the diseases and injuries which cause those costs in the interests of employers, employees and the people of Queensland generally.

The statistic of workplace injury is an appalling one which this Government has recognised. This Bill, the Workplace Health and Safety Bill 1995, is consistent with the policy of the Labor Government that workers have a right not to be injured or suffer ill health as a result of working. Injury and disease should never be seen as an inevitable outcome of work processes.

Five years ago, Queensland workplace health and safety legislation moved from being narrow and prescriptive to broad based. In short, it established a duty of care for all persons at a workplace to ensure their health and safety and that of others. It also allowed workers and employers to address together health and safety issues at the workplace. This change in policy was based on the 1971 finding of the British Royal Commissioner, Lord Robens, identifying "apathy as being the greatest single contributing factor to accidents at work".

Over the past five years we have seen a 14 per cent reduction in the rate of workplace injury and disease among employed wage and salary earners in Queensland. Some of this reduction can be attributed to our current legislation. But with total costs of $1.2 billion annually and all the human tragedy this represents, a lot more needed to be done. This new Act is a part of an overall agenda of the Government to make workplaces safer and healthier.

Members will recall that in October last year I introduced changes to the Workers' Compensation Act. These changes saw continuing improvement of the workers' compensation system in Queensland. Workers' compensation provides critical income support to workers and their families when workers are injured on the job, and this Government is committed to ensuring our system's ongoing effective and efficient operation. I also approved changes to the Merit Bonus System which will see employers with continuously poor workplace health and safety records financially penalised and those with good or improved records financially rewarded. But these changes are only one element of the solution. As the old adage says, prevention is always better than cure, and this is where workplace health and safety legislation plays its part.

The Workplace Health and Safety Act 1995 will bring much-needed reforms to help reduce further and faster the human and financial costs which extend well beyond compensation costs and ultimately impact on families, employers, the self-employed and our health and social security system. The direction of this new Act has not changed from the current Act. However, it will provide an improved framework for enhancing standards of workplace health and safety at the workplace.

This Act is the result of two years' extensive consultation. The initial review commenced in February 1993 as part of the Government's systematic review of legislation which impacts on business. This was overseen by the Government's advisory body, the tripartite Workplace Health and Safety Council, which provided a number of policy proposals. These proposals were incorporated into a discussion paper which was subsequently distributed for public comment. Submissions were received from employer and employee organisations, the tripartite Workplace Health and Safety Council, the industry committees and other stakeholders and interested parties.

As a result of this extensive consultation, I am pleased to provide to the House legislation which has the broad support of both industry and employee organisations. This broad support is critical for the success of the Act and its effect in reducing workplace injuries and disease.

How will this Bill help to prevent workplace injury and disease? The legislation will provide a framework to promote and protect the health and safety of all persons affected by workplace operations. This legislation will—

1. foster cooperation and consultation between Government, employers, workers and their representatives at both an industry and workplace level;
2. set and require compliance with appropriate health and safety standards that are developed by Government in partnership with employers and workers—and these standards protect all members of our community who may be affected by workplace operations;

3. provide an administrative framework that represents an appropriate balance between the rights of persons affected by the legislation and the powers of officers administering it; and
4. ensure community education and awareness of workplace health and safety.

I shall now outline some of the major amendments. The Bill significantly enhances current workplace health and safety consultative arrangements through the provision of rights and entitlements of employees and their representatives to participate in the consultative process. Lord Robens observed that the best solutions to the problem of workplace injury and disease lie "with those who create the risks" (the employers) and "those who work with them" (the workers).

The Bill places a clear obligation on employers to ensure that the health and safety of workers and other people is protected and provides clear definitions of what constitutes an obligation and how that obligation may be discharged. Furthermore, the Bill strengthens the current right of workplace health and safety representatives to report health and safety matters by enabling representatives to report orally or in writing, using the approved hazard report form. The Bill affords all workers equal protection of their health and safety whether as paid or voluntary workers, and the current exemption relating to amenities in Government buildings has been removed.

The Bill removes the limitation of "as far as practicable" from each duty of care statement, allowing it to become a defence. This provides greater certainty about acceptable minimum standards of health and safety to both employers and workers. Further, the Bill expands the Workplace Health and Safety Council to include additional employer and worker representatives and those representing experts, consumer and community organisations.

The Bill will strengthen the current provisions for obligations of designers, manufacturers, importers and suppliers of plant and substances. For example, the chief executive now has the power to require designers, manufacturers, importers and suppliers of plant to recall plant to prevent its use.

In general the Act has been streamlined to facilitate its administration and to make it more user friendly. For example, a board of appeal has been established, replacing two separate appeal bodies, and simpler appeal provisions have been provided, with much improved clarity of expression. This streamlining has required a complete rewrite of the Act. However, this should facilitate its implementation and understanding.

Workplace disease and injury are a blight on our society and economy. Disease and injury should never be seen as an intrinsic risk attached to work. If Queensland industry is to maintain and improve its international competitiveness, bringing sustained jobs growth and economic prosperity, and if all sectors of our community are to share the benefits of this prosperity, then all of us must seek to eradicate this blight. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

LOCAL GOVERNMENT REGULATIONS

Disallowance of Statutory Instrument

Mrs McCAULEY (Callide) (5.06 p.m.): I move—

> "That Local Government (Albert, Beaudesert and Gold Coast) Regulation 1994 (Subordinate Legislation No. 478), Local Government (Brisbane, Esk, Ipswich, Logan and Moreton) Regulation 1994 (Subordinate Legislation No. 479), and Local Government (Cairns, Douglas, Mareeba and Mulgrave) Regulation 1994 (Subordinate Legislation No. 480) tabled in Parliament on 22 February 1995 be disallowed."

Prior to the 1989 State election, the Labor Party launched its Regional Economic Plan. Five years later, that plan is of academic interest only, as not one of its commitments has been met. That is pertinent to this debate, as it points to the lack of policy integrity by the Labor Party in Government. Central to the Regional Economic Plan that it launched in 1989 was a department of regional development. As the House knows, there is no department of regional development.

Mr Mackenroth: DBIRD—Business, Industry and Regional Development.

Mrs McCAULEY: No. The document states—

> "Firstly DRD would adopt a 'bottom up' approach whereby the Department would actively facilitate the drafting of detailed regional development strategies by existing regional organisations.

> Secondly, DRD would then (through its Minister) provide a considered region-based perspective on policy submissions put before Cabinet by other government departments."

On the Labor plan, critical to regional development was local government. A part of that document is devoted to local government, and one of the key principles of delimiting one region from the next was stated as—

> "local government authorities should comprise the smallest geographical unit from which regions are constructed."

As the people of Queensland now know, Labor's Regional Economic Plan—this policy—was simply hocus-pocus. It was absolute and utter hot air. It was a con, even though it was mentioned by the then Leader of the Opposition, Mr Goss, in his policy speech. He stated—

> "Through our Regional Economic Development Plan we will strive to build the economic performance of our many regions."

Those are fine words, but they signify nothing. They are totally empty. A key principle on which that 1989 document was based was rejected by Labor in Government. I repeat that that principle stated—

> "Local government authorities should comprise the smallest geographical unit from which regions are constructed."

The fact is that now, under the Goss style of Labor Government, a single local government council is a region. For example, already the media is referring to the Gold Coast council as a regional authority and a regional council. A region now equates with a local government council—something that most of the candidates themselves in the amalgamated councils' elections disliked. The so-called bottom-up approach mentioned in the rejected regional economic plan was something dreamed up by a committee. The Labor Government has never adopted that approach on any policy issue.

In the place of the bottom-up approach is the dead hand of the Goss-style Labor Government's top-down approach. That approach ends with the death sentence to small geographical units called local government councils. Already the deceased roll call is long. It includes Mulgrave, Pioneer, Gooburrum, Woongarra, Widgee, Rosenthal, Allora, Glengallan, Moreton and Albert. The top-down approach began in March 1990. As the House will recall, without any consultation with PEARC, the then Minister for Local Government, Mr Tom Burns—the battlers' friend—submitted a motion to the Parliament for the now-defunct EARC to undertake specific investigations into local government which should include amalgamations.

The coalition parties opposed that motion. We opposed what was clearly the political intrusion into local government. We opposed the concept of amalgamations in 1990, and we still hold that policy position. The coalition believes that, before changes occur to the external boundaries of local government councils, the views and opinions of the people should be sought by way of referendum. That way, the people can have their say and, importantly, they can weigh the advantages and disadvantages of amalgamation. They can assess the cost benefits and the negatives and participate in the debate on other options such as joint arrangements.

The Goss style of Labor Government denies people the opportunity to have a say, to express their opinion in a democratic way. People are muzzled. That was amply demonstrated by the fact that petitions with thousands of names—some 8,000, in fact—opposing the Gold Coast conglomerate were virtually ignored. The voice of petitioners could not dissuade the Goss Labor Government from its course of action—the tearing down or the destruction of councils and communities. Even during the review stage by the defunct EARC, there was an unprecedented number of submissions on the issue of boundaries. In all, between EARC and PEARC, some 5,200 submissions on the issue were received. People were very concerned, but it was to no avail.

The coalition is not frightened of the people having a say. Unlike the Goss Labor Government, the coalition believes that a referendum should be provided to the people served by the councils proposed for amalgamation. The reference to the now-defunct EARC to undertake a range of investigations into local government was truly a Labor political reference designed to get rid of some councils and, in the mind of the ALP, to smash conservative bastions. Members should listen when the member for Bundaberg gets up and raves on about local government. He is one of those who believes that councils are conservative bastions. He really has them in his sights, and he always has done. He sings the same tune over and over.

In hindsight, the regional economic plan tossed around like confetti in the run-up to the 1989 State election was nothing but a hoax. The real plan was to amalgamate councils.

EARC just happened to be a convenient tool. Implementing the regional plan was obviously too hard, or it was put up just as a red herring. It was thrown in the rubbish bin once Labor made Government. It is quite clear that under the top-down approach of this Labor Government there will be more amalgamations to create regions.The writing is on the wall for Tambo/Murweh, Maroochy/Noosa, Waggamba/Tara, Emerald/Bauhinia or Duaringa/Bauhinia, Esk/Kilcoy, Gladstone/Calliope, Bowen/Burdekin, Cloncurry/Mount Isa, Cook/Aurukun and Maryborough/Hervey Bay. The reference, virtually sealing the death warrants of those councils as they currently exist, went to the Local Government Commissioner in March 1993. The message to those councils is that they are being stalked by the Goss Labor Government. The writing is on the wall. The only chance of stopping the amalgamation process is a coalition Government.

Experience with recent amalgamations shows that the ratepayers in those councils will have no say. Their voice will be totally ignored. The process driven by the Local Government Commissioner will relentlessly grind on to create super-councils, expunging traditions and communities and, from Labor's perspective, conservative councils. The ALP is paranoid about conservative councils.

The hallmark of local government has been that it is close to the people. However, under the Goss Labor Government, it is developing into a big corporate body. For example, the super-city of Gold Coast or the Gold Coast regional authority or the Gold Coast regional council will have a budget of $550m and a population of 300,000. Super-cities will be just another body for this Government to blame for its own incompetence. Between the Brisbane City Council and the Gold Coast City Council, 40 per cent of the State's population will be covered. There is nothing local about those super-councils; they are big, big business.

I hold some concerns about the mayors who were recently elected to lead those super-councils. They have a five-year term, and that is a long time. If one were looking for a businessman to run a business of the size of those authorities and having the sort of budget that they will have, one would be looking for somebody with an MBA and all the qualifications under the sun. However, in the main the elected mayors have no qualifications for their job. It will be interesting to see how they go. I wish them well, but I would not be surprised if some of them find that the job is too big for them. Councillors will not have the time to devote to the myriad small associations and groups that make a community and the small concerns of ratepayers. Councillors will be the target of large associations and groups lobbying for extra resources, and the small people will be squeezed out.

The Goss style of Labor Government is about big Government, big unions and big conglomerates. Small is not in; small is out. The Labor Party itself no longer has a genuine policy. It has been usurped by the Goss style of Labor Government policy. Policy is now top down. It is autocratic and dictatorial. Genuine Labor Party policy has been overturned by the Goss style of Labor Government. All around Queensland, rank-and-file Labor Party members are shaking their heads at the autocratic style of this Premier and his Government and the manner in which party policy is being rejected. The Labor Party itself is now policy bankrupt. Policy is now written by party apparatchiks in the public service.

Nothing illustrates the policy bankruptcy of the Labor Party better than the Minister for Local Government and Housing and Minister for Rural Communities recently filling the executive jet with industry leaders and flying them all round the State to talk to people and councils. I bet that the Minister did not talk to the people serving on those councils about amalgamations! If ever there was a political stunt, that was it. It was nothing but an exercise to get ideas for the election—pure and utter politics. Where was the Premier's Rural Task Force?

Mr Bredhauer: You want to see if you can get the Opposition Leader to visit western Queensland. He'd learn something, too.

Mrs McCAULEY: Is the member for Cook on the Premier's Rural Task Force? Why was the member not on that aeroplane? That task force has been sidelined, made redundant and put out to pasture because it is ineffective. The Premier or the Minister ignores it, otherwise it would have known the issues.

The Minister may like to know that the feedback from those groups is that they felt used, that it was a PR exercise and that the ministerial delegation was not listening. I am quite sure that the Minister did not talk to councils about amalgamation.

Mr Mackenroth: Mrs McCauley—I'd just like to correct one of the things you said there.

Mrs McCAULEY: I do not have time to listen to the Minister's interjections.

It is a wonder that the Minister could look council staff and councillors and mayors in the eye when he knows that, for some, their days are numbered. It is irrelevant whether the Minister wholeheartedly supports amalgamations or not or that he inherited the horrid mess from the former Minister, the Deputy Premier, Tom Burns. The bottom line is that Mr Mackenroth is the Minister for Local Government and he is in the driving seat. If the Minister were genuine, if the Minister were truly a Minister for Rural Communities, then he would stop the amalgamation process immediately. I know that he does not want to know about it, but he should stop it.

Labor's 1989 pre-election policy document titled *Local Government Policy under a Goss Government* contains this gem—

> "The essence of Labor's approach to regional development is one of drawing on and directing the initiative of existing local organisations and local authorities as opposed to arbitrarily imposing some mandatory grand plan from above."

Just in case Government members missed that, I will repeat it—

> ". . . as opposed to arbitrarily imposing some mandatory grand plan from above."

That is exactly what the Goss Labor Government has done. By way of a political reference in the Parliament and a political reference to the Local Government Commissioner, it has imposed some mandatory grand plan from above on an unsuspecting level of government. I might add that the Minister has not changed one comma or one full stop in the recommendations that the Local Government Commissioner has made.

There is an opportunity for the Goss Labor Government to reclaim just a shred of policy credibility by at least offering those councils the opportunity to decide on their futures. Even though they have been subjected to forced amalgamations, the Minister can actually make a decision and take a recommendation to Cabinet that those councils nominated for review and possible amalgamation should have a referendum.

Another matter I want to raise concerns funding disclosures. The Minister, too, should make another decision on the issue of disclosure of donations to local authority candidates. This Goss Labor Government has changed the concept of local government for all time. Local government is now big business, and with that comes the need for candidates for council to have the protection of laws which remove doubt about funding sources. Local government candidates should not have to withstand whispering campaigns against them about the source of their funding. For one reason or another, this Goss Labor Government did not think that it was important to have the disclosure mechanisms in place for the super-city elections. It is perfectly reasonable that ratepayers should have the knowledge of funding sources of prospective candidates.

The Minister has declined to make amendments to the new Act because he says that he wants local government elections to mirror State Government elections. Why is it then that, when we have to disclose our funding sources, the people who stand for local government do not? Those councillors could be under an obligation to big business, or maybe they owe a favour to developers, etc., who have funded their campaigns. Disclosure of funding would ensure that everything is aboveboard and we would know exactly where those candidates are coming from. It is very easy to put pressure on councillors at the local government level.

This Government has made it extremely difficult to run a campaign without big funding. Huge amounts of money were required for the recent super-city elections. So candidates need to be backed by a political party, large organisations or big businessmen—the big developers. I disagree that candidates should not have to disclose their funding. I believe that is most important.

Time expired.

Mr SANTORO (Clayfield—Deputy Leader of the Liberal Party) (5.22 p.m.): I second the motion. I totally support the comments made by the honourable member for Callide, who is also the shadow Minister for Local Government.

This exercise of amalgamating local authorities is another exercise of deceit by this Government. It is an exercise which seeks to ignore the wishes of local authorities, representative organisations such as the Local Government Association, the wishes of local communities, elected officials and representatives, including many members who sit on the Government side of this place and whom I will quote directly in terms of their views about amalgamation, and, of course, the people themselves who were treated with utter contempt by facile opinion surveys and then had their views ignored. That is the main

point that I wish to address this evening, that is, the extent to which people have been ignored.

I was not going to contribute to this debate but recently I visited Cairns. Whilst there, I wanted to, and invariably did, talk to people about industrial relations, employment, shopping hours and many other aspects of Government policies for which I have shadow ministerial responsibilities. However, right throughout that north Queensland region people wanted to talk about the amalgamation of the two local authorities up there. Perhaps it was because I visited Cairns when the election of the new, amalgamated authority was only a couple of weeks away. Certainly, there was a heightened consciousness about what was going to happen a few weeks after my visit. The people expressed their views to me very strongly. They were mainly anti-amalgamation and they were very earnestly and sincerely put by people.

It is important that we look at the consultation process that occurred prior to the amalgamations taking place. In his 1994 report, the Local Government Commissioner referred to a random sample survey and other public consultation methods that were used, such as news letters, public meetings and calls for submissions. The commissioner reported that the community was concerned with improved services and facilities and constraining future increases in rates and charges. However, the community survey found—and I think this point certainly backs up what the member who preceded me said—that 95 per cent to 99 per cent of respondents believed that no other local authority did it better than their own. So there it is. That is one very clear and forceful expression of community wishes.

The survey included a question asking respondents to identify areas that should be included with their area in forming the most efficient and appropriate council area. It was reported that a high percentage—41 per cent—of respondents could not come to grips with the question. The respondents were given five options from which to choose, from option one—small alteration to boundaries—to option five—full amalgamation—in the case I am referring to of Cairns City and Douglas Shire. The "no alternatives" option was not included. I think that it is important to note that that particular option was not included. The question received a high proportion—up to 58 per cent in some areas—of "don't know" responses, which could have been due to the fact that they were not given the option to register support for no alteration to the existing situation. That is one of the major flaws that occurred in the so-called survey and consultation process.

Mr Welford interjected.

Mr SANTORO: I hear the member opposite out the back, which is where he belongs—out the back and out of sight and mind. The biggest problem with that survey technique was that people were not given a choice to express whether they wanted or did not want amalgamations.

If we look at what people on the other side of this Chamber said about amalgamations, we can see just how instructional their comments are in again demonstrating that this Government ignores everybody, including its own. For example, Mr Pitt, the member for Mulgrave, said—

> "People would be well and truly aware of the push from some quarters for the amalgamation of the Mulgrave Shire and Cairns City. I am not convinced that amalgamation is a necessity, or that bigger is better. As to the dollars to be saved no-one has proved to me or to the general public that there are great sums of money to be saved, nor has anyone proved to me that there will be an increase in efficiency."

He went on to say—

> "I am concerned about the level of representation and the quality of representation that may accrue from an amalgamation."

He said further—

> "It really should not come down to amalgamation. I believe that the approaches that have been instituted by this Government, such as RPAC, provide a coordinated approach to some of the problems that face small local authorities. I am convinced that, with good commonsense and cooperation between local authorities in regional areas such as that, the need for amalgamation may not actually arise."

That was said by the honourable member for Mulgrave, who of course these days is a Minister. One would assume that one of the reasons he was made a Minister was for him to be brought into the net of Cabinet solidarity so that he does not express views contrary to those of the Government, such as this one, which clearly with the passing of time have the ability to embarrass the Government.

I refer now to what the old Labor stalwart and war horse, Tom Pyne, the then Mulgrave Shire Council Mayor, had to say. He said—

> "I am violently opposed to the merger. We are holding about $41m in cash and disposable land and assets—Cairns is not in as good a financial position. The Cairns Mayor looks at this as a very rich shire and I think they would like to get their hands on it."

The Labor mayor says—

> "Ratepayers will be worse off with an oversized bureaucracy of 900 local authority employees. It's a bloody awful idea."

That is a quote from the *Courier-Mail*, dated 29 September 1994. There we have a current Cabinet Minister and a very well recognised Labor mayor objecting to amalgamation in the most strenuous way and supporting the local communities. Again, the Government has utterly and totally ignored the people.

I refer now to what Jim Pennell, President of the Local Government Association, had to say about this in the *Courier-Mail* of 13 December 1994—

> "It is wrong that the community will not get a say on whether amalgamations should proceed in their area. This is a basic right in democratic nations."

That is what the President of the Local Government Association said. He was basically calling for what the Opposition is calling for, that is, a referendum to determine whether or not these communities are to be amalgamated according to the will of the people. Of course, Mr Mackenroth responded to that in the *Courier-Mail* of 13 December 1994. He said—

> "Ratepayers would clearly be winners with leaner organisations and a cheaper and better local-government service."

However, in direct response to what Mr Pennell had to say about the Local Government Association's call for a referendum, the Minister said, "They are entitled to their view but it wouldn't solve anything." That was the Minister's response to a call for the exercise of the most basic right of people to determine what happens to them via referendum, in which each individual, including those in those local authorities, has a say. That is what those represented by the Local Government Association called for, and the Minister's response was: ignore the will of the people; let us not have a referendum; tell the LGA and the individuals precisely where to go.

The subject that we are debating is the epitome of the approach of the Goss Labor Government. It is the continuation of that great constitutional experiment that was dreamed up in the first instance by Gough Whitlam when, in 1973, he started talking about the creation of regional Governments. Many people in Queensland are beginning to realise that Governments such as the Queensland Government seek to give effect to the grand vision of lunatics such as Gough Whitlam. The Government is out to destroy small entities, because the Labor Party realises that small entities, such as rural fire boards, local ambulance committees and local councils, cannot be controlled and cannot even be unionised as much as they can be if they are amalgamated, taken over and made into larger units. The driving philosophy is to destroy local units and, as the honourable member who preceded me said, to destroy local authorities that are not of the Labor mould.

I say to Government members that the people in those amalgamated local authorities will not forget the heavy-handed way in which the Government forced them into situations that were not of their choosing and certainly not to their liking. When the people are given the opportunity by a non-Labor Government to dismiss them, they will do so accordingly.

Time expired.

Mr BEATTIE (Brisbane Central) (5.32 p.m.): Naturally, I rise to oppose the disallowance of statutory instruments in relation to local government. I hope that the Government wins this vote, as I know it will, because the election for all three of those local authorities was held on 11 March. I know that members of the Opposition would be just as distressed as Government members would be if they were to fluke a successful outcome of this vote. Because the election in those three local authorities is over and done with, the disallowance motion is very much redundant. Nevertheless, although it is redundant, let us get on with the debate.

Mr Mackenroth interjected.

Mr BEATTIE: We can always do that. Let us get on with the debate, because some important principles must be discussed. In this debate, both the National Party and Liberal Party spokesmen put up a pathetic opposition to greater efficiency and competence in Queensland local governments through these amalgamations. With all due respect to the Opposition spokesman who talked about keeping politics out of local government—that is red raw. As I have said on previous

occasions in the House, I remember when I was the ALP secretary the way in which, over many years, the National Party used local authorities as a training ground for National Party members of Parliament.

Mrs McCauley: You're paranoid—absolutely paranoid.

Mr BEATTIE: I can see that the honourable member is getting excited. Those candidates always ran under the masquerade of being independent councillors. What a lot of nonsense! They were all fronts for the National Party, organised by the National Party and run by the National Party. They voted as a unit as National Party members, and, of course, behaved accordingly. Let us not have that nonsense about keeping politics out of local government. The National Party has never done that, and to suggest otherwise is a lot of rubbish.

One point that must be emphasised—and which is acknowledged by the Opposition spokesman—is that those amalgamations are recommendations from the independent Local Government Commissioner, Greg Hoffman. I am disappointed that he has been attacked in the debate. Greg Hoffman is an independent person and acts independently. As I understand the legislation, the Minister does not have the right to amend recommendations from the Local Government Commissioner. The Minister has the right to reject them or to allow them to go to Cabinet. He does not have the right to amend them. What was suggested by the Opposition spokesman is not provided for by the current Act and would be contrary to the law.

Mrs McCauley: An unelected official.

Mr BEATTIE: He may well be unelected, but the man is independent, was given a particular charter and responsibility, is well regarded in local government circles across the State as being a person of integrity, competence and independence, and has acted accordingly. He made those recommendations in the interests of efficiency and good government in local government. There is no political agenda. The recommendations came from an independent Local Government Commissioner.

Let us consider what the National Party did. If one had listened to National Party members in this debate, one would think that the National Party never supported or was never responsible for amalgamation in its life. When the National Party was in Government, it was responsible for the alteration of some local government boundaries. I can remember clearly one instance of that in the City of Maryborough. The National Party altered the boundaries to the Shires of Tiaro, Burrum and Woocoo and created the Council of Hervey Bay. That was a National Party initiative. When the National Party was in office, it amalgamated local authorities.

Why did the National Party do that? It did that for efficiency reasons and competency reasons, the sorts of reasons that Greg Hoffman gave for recommending the amalgamations of those councils to create three city councils. They are exactly the same reasons. It is hypocritical to suggest that the Government has acted in any way differently from the way in which the National Party acted when it was in Government.

Let us consider the way in which conservatives behave in Government. Jeff Kennett and the Victorian experience is worth considering. There is a coalition Government in Victoria, and look what it has done in local government. Do honourable members know what Kennett has done, other than abuse a motorist today, which he admitted? He abolished—wiped out—all the local authorities in Victoria, bar one. He sacked the lot. That is what a conservative Government did—it sacked the lot but one.

I refer to a very recent article in the *Age* of 8 March 1995. Let us talk about what conservatives do in government. The article, which is headed "Government Backflip on Council Polls" states—

> "The State Government has backed away from plans to have elections for all councils in Victoria before it goes to the polls next year."

That Government is not letting the people decide, as we did in Queensland. Kennett is too scared to let the people in Victoria elect their own local authorities. The article continues—

> "Instead, most of the State's municipalities will be run by Government-appointed commissioners for another two years."

Mr Mackenroth: That's what the Tories would do.

Mr BEATTIE: That is exactly right. That is what the conservatives do in office in Victoria. That is what they would do here. For two years, the Victorian Government will have Government-appointed commissioners running local authorities in Victoria. The article continues—

> "The Minister for Local Government, Mr Hallam, yesterday announced that 55 municipalities in middle and outer Melbourne, Gippsland and the north-east, north-central and north-west regions would have to wait until March 1997 to get back elected councils."

Mr Mackenroth: That's disgraceful.

Mr BEATTIE: I take that interjection. It is disgraceful, but it is typical of the way in which conservative Governments have no respect for local authorities. What a disgrace!

Of course, it continues. An article in the *Herald Sun* in Melbourne on 8 March 1995—the same day—states—

> "State Government appointed commissioners will remain in office for another two years in parts of Melbourne and rural Victoria, the State Government announced today."

The article runs through the fact again that a formal announcement was made that council elections will not be held before 1997. I table both of those newspaper articles for the record, because it is important that people understand what conservatives do in office, not what they say they will do in office. It is a clear illustration of conservative Governments' total disregard for the importance of local authorities.

I turn to the National Party in Queensland. What do National Party members say that they will do about those amalgamations? We have heard a lot of huff and puff. Do honourable members know what those members will do? Their latest policy states that, if 10 per cent of the people in those amalgamated council areas petition for a referendum, the National Party will hold a referendum on deamalgamation of those local authorities. National Party members will try to unscramble the egg. They do not care about the local people.

Both of the spokesmen for the Opposition talked about the loss of so-called conservative councils. They are worried only about party politics. They are not worried about the interests of the cities of Cairns, the Gold Coast or Ipswich; they are worried only about party politics. It has been said that the Government is in some way trying to get rid of conservative councils. What a lot of nonsense! Honourable members should consider who won. In Ipswich, John Nugent, the former chair of the Moreton Shire, won. He is not a Labor Party member. So where is the conservative loss in that case? The chair of the Albert Shire, Ray Stevens, to whom I have referred on a previous occasion in this House and followed that reference with a subsequent statement, won; he is the new Mayor of the City of Gold Coast. Where is the advantage to the Labor Party in that? I can see the honourable member from that area nodding because Ray Stevens is hardly a Labor Party supporter or a member of the party. Where is the conservative backwash? Tom Pyne, the new Mayor of Cairns, is a member of the Labor Party. So, that is one out of three. Where is the great Labor Party gain from amalgamation? That argument about getting rid of conservative councils is a lot of nonsense and humbug! The honourable member is worried only about party politics and is being dishonest in pursuing that argument.

In passing, I recommend that members read what members of the National Party have had to say about amalgamation. What did Kevin Byrne, who was the Mayor of Cairns, the National Party candidate in a recent election and a member of the National Party, have to say about amalgamations? On 29 September 1994, in an article in the *Courier-Mail,* he stated—

> "I am delighted with the move"—

that is, amalgamation—

> "which is in the best interests of ratepayers."

I do not always agree with Kevin Byrne, but I have to say that, on that matter, he was dead right.

Mr FitzGerald: He lost.

Mr BEATTIE: Isn't that typical! He lost and his fellow National Party members want to disown him because he lost. He was right about amalgamations. As for people such as Tom Pyne, John Nugent and Ray Stevens——

Mr Mackenroth: They think it is a good idea this week.

Mr BEATTIE: That is exactly right; I take the Minister's interjection. Amalgamation is a great idea this week. If honourable members read the press, they will see that every one of those new mayors is running around talking about what they are going to do for their new cities and getting on with the job.

Mr Mackenroth: They particularly support the five-year term.

Mr BEATTIE: Yes, and not only are they supporting the five-year term but they are also initiating new strategies and plans for their cities. These amalgamations reflect the exciting growth in Queensland and they are

preparing Queensland for the twenty-first century—for the year 2000. They are long overdue. The massive growth in south-east Queensland needs to be managed carefully in order to protect the quality of life of the people who live there and in Cairns. These amalgamations are necessary.

Time expired.

Mr QUINN (Merrimac) (5.42 p.m.): In rising to take part in this debate I am realistic enough to know, as Mr Beattie said, that we are not going to win the division. At the same time, I wish to place on record my thoughts about what effects the amalgamation will have on the Gold Coast. This is the very first opportunity we have had to debate the issue in the House. It has been debated in the press on the Gold Coast, and I take the opportunity to place on record my views. The proposition that has been circulated, that the amalgamation of councils was an outcome of EARC, which was originally fathered by Fitzgerald, is a furphy. It has arrived out of a direct reference from the Government to EARC and, following that, the appointment by the Minister for Local Government of a commissioner for investigations into these matters. I am not one to disagree with Commissioner Hoffman's motives; I disagree with his findings. I read the report, which stated that he considered a saving of $3m, increased efficiencies and better planning on a regional basis to be positive benefits for the enlarged Gold Coast area in the long term. My view is that that is not case. The savings cannot be demonstrated and, in the longer term, as a result of the amalgamation, we will see increased costs being borne by Gold Coast ratepayers.

The Brisbane City Council is a large authority area and costs to ratepayers in Brisbane are higher than they are on the Gold Coast. The time taken to process development applications through council in Brisbane is up to three times as long as it is in either the former Gold Coast City Council or the former Albert Shire Council. That is the sort of detrimental effect that amalgamation will have in the long term on the Gold Coast.

I have lived on the Gold Coast all my life. I have seen it grow from a population of tens of thousands of people to what it is today. In that 40-year period of growth, those two councils have managed the growth and planning for that area quite well. Given their track record, I fail to see why they cannot continue to plan for and manage the growth that will occur in the future.

As indicated by Commissioner Hoffman, both those councils were in an extremely sound financial position. Both councils had low levels of debt, were considered to be very efficient local authorities and had the necessary infrastructure in place. Joint arrangements were in place before amalgamation and when the agreements for those joint arrangements were due for renewal or new infrastructure had to be arranged, such as a sewage treatment plant or the supply of water, of course the necessary haggling ensued. Of course, it went on in public and that gave the perception of the councils being unable to plan for or manage the financial needs of the area. However, once the agreements were signed, that haggling ceased and the two councils got on with planning for the area.

My other concern with the amalgamation of the two councils relates to bringing party politics into councils. It has been mentioned in this debate that people run for election under disguised flags. To a certain extent that is true. The party machinery does fall in and support some of the councillors or mayoral aspirants. That is recognised quite widely. However, in future, an independent person will not be able to run a campaign to be mayor of the Gold Coast. It has been reported that the mayoral candidates in this last super-city election spent over $100,000 on their campaigns. Considering the large number of polling booths required for a population nearing 200,000, it is not unreasonable to foresee campaign budgets of $200,000. On that basis, it will be almost impossible for one person to try to muster the support necessary to run a truly independent campaign.

In future, there will be pressure for parties to come in on a formal basis and start running party politics in the local government sphere. I do not think that that is in the best interests of the residents of the Gold Coast because, to date, councillors have made their decisions and then, as a corporate entity, fallen in behind that decision. After they have made that decision, they go into the electorate and sell that whole-of-council decision as a team. The decisions are made for the broader benefit of the ratepayers. As soon as party politics are brought in, a schism will occur between the two council camps. As a result, the parties will try to outbid each other at a local level. That happens in Brisbane, but it has not yet happened on the Gold Coast.

Mr Welford: It happens on the Gold Coast.

Mr QUINN: That split has not occurred. One or two councillors have walked out of a council meeting and sought to gain public support through the newspapers. I remind honourable members that the worst perpetrator of that on the Gold Coast failed to be elected on the weekend. So honourable members will not see that in the new super-council.

As one of his election promises, the mayor has given an undertaking to try to do away with the division that can occur between councillors. He will try to get back to the corporate concept that the council makes a decision as a whole and, after it has made its decision, all councillors support that decision in the wider community. In the past, I think that has worked to the benefit of the Gold Coast City Council and the Albert Shire Council, and I would hate to see the council move away from that practice in the future. For that reason, I think it will be damaging to introduce party politics into the council on the Gold Coast.

I mentioned the fact that, in the past, the council has done quite a good job of providing the necessary infrastructure. I mentioned also the fact that there were always haggles and the reasons for the haggles that went on. I do not think that much will change in the future. The planning process will continue to go on. A bit more efficiency may be gained in certain areas. A middle management structure may be removed as a result of the combination of the councils but, over a period, because of the lack of oversight by councillors—14 councillors compared with the 10 councillors in each council which existed previously—we will see a bureaucracy that will gain a head of steam of its own and create those positions which are currently being wiped out. So, over a period, the efficiencies that the Local Government Commissioner has said will occur—which he has identified as being of the order of $3m—will start to erode.

The other benefit of having two councils on the Gold Coast was the perception of competition. We had two councils located side by side which were trying to represent ratepayers who had a common interest. A friendly competition tended to emerge, or a public perception that one council kept its rates lower than the other council's rates. The public's perception was that if one council could achieve efficiencies and keep its rating structure low, then why could not the other council do it? Regardless of whether that was true or not—and there are some figures to show that it was not true—the public perception was that the Albert Shire Council had a lower rate structure than that of the Gold Coast City Council. When the time came to formulate the two budgets, there was always pressure on one council to keep its rates down because it knew that the other council was going to do the same. I think that was a good argument in favour of having two councils on the Gold Coast.

I simply wanted to put on record my views and my objections to the Local Government Commissioner's decision to amalgamate the two councils. As I said, it is in the past, and I think that the motion will be just a formality.

Mr WELFORD (Everton) (5.52 p.m.): I am very pleased to speak on behalf of the Minister in defending the Government's position on this motion. As was pointed out by Mr Beattie, a previous Government speaker, if the member for Callide had any measure of honour at all, knowing that the issue is redundant, she would have withdrawn the motion. It is a dead issue. Why would she want to pursue the matter today for any reason other than to give a grab bag of Opposition frontbenchers the opportunity to rave on and make general criticisms of the Government? I am at a loss to understand it.

Mr Livingstone: A waste of time.

Mr WELFORD: As the Government Whip said, it is a waste of the valuable time of this House. This debate is typical. We heard the Opposition in the debate yesterday, we are hearing it in the debate on this motion today, and we can be sure that, for the rest of this week, we will hear the Opposition put its position repeatedly that it wants to preserve the status quo. When it comes to any reform, this mob has become absolutely intransigent. The members opposite are completely incapable of absorbing the responsibility of Government to reform the State.

The suggestion that this decision was arbitrary, as was put forward by the member for Callide, is absolutely absurd. I have never known an issue to be canvassed so comprehensively throughout this State as was the issue of local government boundary reform. I have never known an issue to be debated so comprehensively, to be canvassed so comprehensively in local councils or to be discussed so comprehensively not only by councillors but also by the local communities as this one. I do not know how many opportunities people have had to discuss the issue. It started with the independent Electoral and Administrative Review Commission, which conducted a review and made certain recommendations about a range of councils that should be earmarked for possible

amalgamation. The parliamentary committee, of which I was a member, then canvassed those same issues throughout the State, and there was an enormous amount of discussion.

After all that, the Government still did not act upon the recommendations of EARC or the parliamentary committee and set up a further independent review by Greg Hoffman, the Commissioner for Local Government, to look further at the very issues which members of the Opposition on the EARC parliamentary committee were saying should be looked at, namely the questions of cost-benefit analysis and under what circumstances the amalgamations were justified on that basis. The Commissioner for Local Government then conducted his review. After three comprehensive reviews, those councils which were ultimately amalgamated were identified unanimously as being councils that could achieve significant benefits through amalgamation. It is to this Government's and this Minister's credit that we kept to that commitment to carry out the recommendations of those three reviews.

That is in stark contrast to the way in which the National Party operated when it was in Government and, as previous speakers have indicated, the way in which Jeff Kennett in Victoria has operated. Of course, after observing the trauma which this Government was put through in conducting those reviews, Kennett may have been smart. He realised, "Why go through the trauma that this Government has been through as a result of giving everyone a say? Why go through it?"

Mr FitzGerald: You didn't take any notice of us.

Mr WELFORD: The National Party Government never did. When the National Party was in Government, what did it do?

Mr FitzGerald: Made decisions.

Mr WELFORD: Absolutely. There were the midnight raids on councils by the member's mate, Russ Hinze, that closed them down. He abolished them overnight, and if that is not arbitrary, I do not know what is.

Mrs Woodgate interjected.

Mr WELFORD: That is right. The proposition that a Government conduct a review, let alone this bizarre proposition that the Government hold a referendum, would have been the furthest thing from Russ Hinze's mind. I could imagine what Russ Hinze would say. It reminds me of the story about the fig tree on Coronation Drive. When Russ Hinze wanted to expand that roadway, the local community was complaining about the destruction of that fig tree. Russ Hinze said, "A fig tree? One bloody fig tree? There are trees from here to Cape York and they are worried about one fig tree!" I can imagine how he would respond to that mob opposite saying now that they wanted a referendum to decide how to deal with local government amalgamations. What a joke! Not for one minute would Russ Hinze have copped the Opposition's nonsense.

Mr Mackenroth: I hope you're not trying to make any sort of comparison there.

Mr WELFORD: Absolutely not! On the contrary, I think that the Minister has been a model of restraint. In all the circumstances, if I were to make the most modest of criticisms, the Minister has been too slow to amalgamate the councils. The Minister has received three reports, which have all said the same thing, and it took those three reports before we decided to go ahead with the amalgamations. However, we have done it, and, in my view, all the people who live in those areas that have been amalgamated will now benefit.

I do not think any mayor—Councillor Stevens on the Gold Coast, Councillor Nugent at Ipswich, or Councillor Pyne—will now come to the Minister and say, "We wish it had not been done." I would like to know how many of them are going to run around and complain to the National Party about the amalgamation now that they have been elected as mayors of those councils. We all know the concerns of those councillors prior to the election for the amalgamated councils; they were all protecting their own turf. The reasons why most people responded that they did not know whether they wanted amalgamation or not when the surveys were conducted was that they were baffled by the nonsense talked by local councillors on this issue. As we well know, those local councillors were protecting their own turf and their own self-interest. Now that the elections for the amalgamated councils have occurred, we have unified councils with a greater capacity to provide decent services for their communities—services which, previously, many of them were not able to provide.

Sitting suspended from 6 to 7.30 p.m.

Mr WELFORD: I shall finish what I was saying about this motion prior to the dinner adjournment. I would like to address a couple of points raised by the member for Merrimac, particularly the issue of councils operating effectively and not carrying much debt. In respect of the Gold Coast in particular—the member ought to recall the Treasurer's public media statement made some months ago which showed that the Gold Coast City Council

had one of the highest per capita debts of any council in Queensland. The proposition that all councils across the State operate efficiently when they are not amalgamated is absolutely laughable. The Commissioner for Local Government, Mr Hoffman, has done an outstanding job to identify those councils that have the greatest prospect for savings.

Mr Ardill: Where did he come from?

Mr WELFORD: I will tell the honourable member about Mr Hoffman. He came from the Local Government Association—an authority that is highly respected by all local governments throughout the State. I am appalled by the Opposition's shooting of the messenger on this issue, because Greg Hoffman is one of my constituents, and I will not stand by and see him maligned and maliciously criticised by the petty bunch of demagogues opposite. He deserves better. He has done an outstanding job, and we are backing him all the way. What we have done for the citizens of the Gold Coast, Ipswich and Cairns will stand as a monument to Greg Hoffman's foresight and to this Government's decision-making courage.

Mr BARTON (Waterford) (7.32 p.m.): I move—

"That the debate be now adjourned."

Question put; and the House divided—

AYES, 44—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Budd, Livingstone

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Laming, Springborg

Resolved in the **affirmative.**

FREEDOM OF INFORMATION AMENDMENT BILL

Remaining Stages; Allocation of Time Limit Order

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (7.39 p.m.), by leave, without notice: I move—

"(a) That so much of the Standing Orders and Sessional Orders be suspended as would otherwise prevent the Freedom of Information Amendment Bill from passing through all its remaining stages at this day's sitting;

(b) That at the time so specified all remaining questions, if any, shall be put forthwith by the Chairman or the Speaker, as the case may be, without any further amendment or debate and, if applicable, remaining questions on the clauses of the Bill shall be put en bloc;

(c) Second reading at 10.45 p.m.; third reading at 11 p.m."

Mr SPEAKER: Order! There is to be a debate, so I require a seconder.

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Emergency Services and Consumer Affairs and Minister Assisting the Premier on Rural Affairs) (7.40 p.m.): I second the motion.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (7.40 p.m.): I presume that the motion has been seconded, Mr Speaker.

Mr SPEAKER: Order! Well and truly—three times.

Mr BORBIDGE: The Opposition opposes the suspension of Standing Orders, and it does so for good reason, namely, to support the proper processes of the Parliament. We have before us legislation which was introduced last night and which this morning was Bill No. 17 on the notice paper, with 16 undebated Bills ahead of it. Tonight, the Government acted suddenly and in indecent haste to adjourn a disallowance motion so that this grubby little exercise can be perpetrated in this Parliament tonight.

It is just 24 hours since the Government voted itself 30 days within which to answer questions from the Opposition. And what do we see? We see a Government pushing through legislation that will gut the freedom of information legislation that was introduced last night. According to the motion moved by the Leader of the House, all questions will be put later this evening. The issue is simple. Firstly, why has this legislation been introduced? I will come to that later. Secondly, why is there such a rush? What is the hurry? Whom is the Government protecting? What is it hiding? What is the real reason for this late-night attempt——

Mr Ardill interjected.

Mr BORBIDGE: It will be late. At 11 o'clock tonight, each and every Government member will be gutting the freedom of

information legislation in this State. We are entitled to ask a few questions and to seek some answers from the Government as to why there has been such a rush. Why is it that the Government does not want appropriate scrutiny? How is it that some 16 other pieces of legislation can go by the wayside? Why is it that we have to adjourn a disallowance motion so that the Government can push through this legislation tonight? What are the reasons? Is it the J L Holdings court case at Kangaroo Point? Is it the Senate inquiry into whistleblowers? Or is it the fact that the Government wants to block—and it knows that it will by this legislation—Opposition access to briefing papers provided to Ministers during the Estimates debates last year, which has been the subject of an appeal to the Information Commissioner? Those are the answers that the Leader of the House and this so-called accountable Government will simply not make available to the Parliament tonight.

We are seeing here a deliberate conspiracy to subvert the intent and the principles of the freedom of information legislation, to deny legitimate and what is at present legal access to Government information that Cabinet has decided may be embarrassing and therefore requires the introduction of retrospective legislation in this place. That is a debate that we will have later—a short debate, a debate for a couple of hours, no doubt—but the question we have to ask is: what is the rush? What is the hurry? What is the Government hiding and why is it hiding it?

Because we want as much time as we possibly can to debate the legislation that this shameful Attorney-General introduced into this Parliament last night, I will keep my comments brief, except to say that these tactics prove that the Government has no commitment at all to proper parliamentary process. The Government is prepared tonight to sell out the very principles on which it was elected in 1989—accountability and open Government.

Mr LINGARD (Beaudesert—Deputy Leader of the Opposition) (7.45 p.m.): After five years, the Goss ALP Government has become so used to the comforts of office that it is prepared to blatantly and arrogantly dismiss the ideals of the Westminster system. In moving this motion, the Government is disregarding one of the most basic tenets of that system, that is, that any legislation should lie on the table of the House for seven days before it is debated. What is the rationale behind that principle? Why should legislation not be debated for seven days? The whole idea is to allow the public to consider the legislation and also to allow the Opposition to prepare its contribution to the legislation. This legislation should lie on the table of the House for seven days so that suggested amendments to the Bill can be prepared by the Opposition. However, this Government is not game to allow that to occur.

If it were truly in the public interest that this legislation be passed urgently, the Government should outline the reason. The Government has not explained the reason for the urgency. It has not explained the specific details of the Bill. The Leader of the Opposition theorised on the reason for the urgency. Is it the fact that the Government does not want the Senate whistleblowers inquiry to access the Heiner documents? Does it have anything to do with the $26,000, which relates to that special Bill in 1990 about the work on the archives? Does it have anything to do with the Professional Officers Association and the four people involved in that matter, two of whom are still working for the Government? Does it have anything to do with the Cooke inquiry, which the Government closed down? Does it have anything to do with the Opposition's request for Estimates documents?

I note that the Treasurer is in the Chamber. I ask: does this matter have anything to do with the Gabba cricket ground and the fact that Deen Brothers are knocking down one of its grandstands? Does it have anything to do with the fact that last Thursday lunchtime, just as they were about to toss the penny in the Queensland vs. Tasmania game, Deen Brothers moved into the Gabba? Just as the umpire was about to toss the penny in Tasmania to decide whether Queensland would play the Sheffield Shield final at the Gabba, what happened? Deen Brothers moved into the Gabba.

I ask the Treasurer: is it true that, when the overall construction of approximately $3m was proposed, he suggested that the northern grandstand be completely renovated? Is it true that in the Brisbane Cricket Ground Trust documents, these facts are stated: that the company should call tenders by late October 1994; that the tenders should be let by November 1994; that the demolition should commence by 9 January 1995; and that all work should be completed by the September 1995 State election? Is that the real reason why the work had to start last Thursday?

Mr Mackenroth: There's no election coming then.

Mr LINGARD: That is what it says in the trust documents. Is it true that it was the force exerted by the Treasurer and the conditions that he attached to the finance—and not what Barry Richards said about the West Indies—that is the real reason behind the demolition of the grandstand last Thursday? That work commenced one and a half days before Saturday lunchtime, when it was quite obvious that Queensland had won the first innings, and Sunday, when Queensland had won outright. Is the Government seeking to protect those documents—which would prove clearly that the Treasurer was the one responsible for the grandstand going down last Thursday—so that the Opposition cannot access them? If that is not the case, why could the work not have waited until Saturday lunchtime or Sunday?

The Government is hiding something. Perhaps it is the Heiner documents; perhaps it is one of the other matters to which I referred earlier; or perhaps it is the Brisbane Cricket Ground Trust documents.

Mr BEANLAND (Indooroopilly) (7.49 p.m.): I rise to oppose the unfortunate motion moved by the Leader of the House. Every time a contentious issue arises involving the Attorney-General, he has to call on the Leader of the House to protect him. I invite members to think back to various Bills that have come before this House, including the FOI legislation and the penalties and sentences legislation, which was rammed through this House so that the Attorney-General would not have to face the heat. We see yet another example of that this evening.

What does the Minister have to hide? What does the Government have to hide? What does Mr Goss, all pure and pristine, have to hide?

Mr Cooper: Where is he now?

Mr BEANLAND: Where is the Premier tonight if this is so important and such a precious issue that it warrants ramming legislation through this Parliament? To hell with the rules and the Standing Orders of this Parliament; to hell with the public of Queensland. Where is the Premier tonight to support the Government in this debate? He has gone off with his tail between his legs, and so he should. He has left it to the Leader of the House to bear the odium of applying the gag.

Opposition and Government members have three miserable hours in which to debate what is yet another attempt by this Minister—and I will have a lot more to say on this shortly—to fix up the secrecy and exemption provisions in the FOI legislation. He has already had several goes at this. There have already been amendments along these lines. He gets caught out every time. He cannot get it right the first time, or the second time, so this legislation keeps coming back to this Chamber.

No legitimate reason has been given for this legislation. Other speakers from this side of the Chamber have already indicated a number of reasons why the Government may be running dead scared. I think it behoves the Leader of the House to give this Chamber some explanation as to why we are having to railroad this legislation and use the gag to get it through. After all, the Attorney-General admits that the amendments are retrospective and that they are to ensure that all documents that are put before Cabinet in any shape or form will be exempted—no discussion needed. It does not matter whether they are Cabinet documents that are subject to Cabinet consideration.

Clearly, the Government is running scared. It has not given any reasons for this legislation being pushed through. I look forward to the Leader of the House trying to do the decent and right thing by the people of Queensland, even though I know that it is difficult for him. He should give some reason for this urgency, because no reason has been given for it so far. This action cries out that the Government is running away and hiding. It is in a great panic because suddenly, within 24 hours, an item that is No. 17 on the notice paper is to be debated. There is no seven days' notice. Within 24 hours of this legislation being brought into this Chamber, it is being rammed through.

Mr FITZGERALD (Lockyer) (7.52 p.m.): Yesterday, this House was asked to vote on a motion moved by the Leader of the House to provide for a new sessional order for the remainder of the session. In good faith, we were asked to believe that the Leader of the House was interested in parliamentary democracy, that he thought it would be better for democracy that questions could be put on notice and that there could be 3,000 questions asked a year. We heard how it was much better for democracy for us to be able to do so. Some members on this side of the House were very suspicious. They asked me, "Why would they be doing that? I don't trust them." I tried to convince those members that it could probably be used to our advantage, but they were very suspicious of the motives of the Leader of the House.

I have to confess to those doubters that the Leader of the House has let me down. After last night's debate I was criticised for saying that he was a great gentleman and for acknowledging that he answered questions very succinctly and that he really understood parliamentary democracy. Now, today, I have to put myself in the terrible position of having to defend that stance, because now I have to say, sadly, that he has let me down on this occasion.

I believe that one of the principles of parliamentary democracy is that this House has Standing Orders and that they are observed. If Standing Orders have to be suspended for any reason, I believe that it is only proper that the Minister moving that the Standing Orders be suspended should give an explanation. Tonight, we have been given no reason whatsoever. All the Government is doing is saying that it will have its way.

As has been said earlier, this legislation, which was introduced yesterday, was No. 17 on the notice paper, and it is being debated today. Government members can hardy wonder why members on this side of the House are asking what on earth the Government has to hide. I will not delve back into some of the confidentialities of the EARC committee, but I can well remember the member for Burdekin and myself, as two former Cabinet Ministers——

Mr Stoneman: A Cabinet that has been defiled by grubs.

Mr FITZGERALD: I take that interjection from the honourable member because I am afraid that there are plenty of examples to prove that his statement is probably correct. I understand the need for Cabinet confidentiality, and I am not going to debate that issue. However, now matters prepared for chief executive officers and deemed to be Cabinet documents are exempted. By whom are they going to be so deemed? What freedom of information is there?

We looked at freedom of information across the country and we found that Governments did not want freedom of information. The question is: why is the Government suspending the Standing Orders so that we can have the debate?

Mr SPEAKER: Order! Can I suggest to the member that he does not debate the substantive motion—that will be done later on—but the suspension of Standing Orders.

Mr FITZGERALD: I am well aware of the Standing Orders. I like to uphold Standing Orders. I would not like to suspend Standing Orders so that I could fully debate this matter now. I observe Standing Orders, but tonight the Government is trying to suspend Standing Orders. It is most improper that they should be suspended. It is very proper that the people of Queensland—not the members of the Opposition—should be given an explanation as to why this legislation has to be rushed through. Why can the legislation not sit on the notice paper for the week? The House is supposed to be sitting next week, so why could it not be debated then? No, there is some devious matter that has to be covered up. Maybe the Government is about to be overruled on appeal. Is that the reason? I believe that it is.

This Government can be accused of being nothing but a biased, corrupt Government that is using the suspension of Standing Orders to shield its impurities from the light of day.

Mr STONEMAN (Burdekin) (7.57 p.m.): What has happened to this State? Mr Speaker, how you must recoil in embarrassment at this deed—the use of the gag and the suspension of Standing Orders—that you have to watch being perpetrated in this House. It is the use of a process that was once damned from the highest levels of this State, and now it has become a daily tool of an arrogant and inept Government.

Where is that pompous, false, hypocritical protester of decency, Matthew Foley? Where is he during this debate? Where is this man who once proclaimed that the House was about accountability, decency, honesty, and reporting to the community about the things that happened and were held dear? Where is this pompous man now? Where is he?

Mr Foley: Very unkind.

Mr STONEMAN: Mr Speaker, I draw to your attention the fact that the honourable member interjects from a seat that is not his own. He is the man who seeks to uphold all that is decent. In fact, he and his party are bringing indecency into this Parliament.

During this unbelievable debate, where are those pious reporters who, in previous times, proclaimed daily the misdeeds of conservative Governments? Where are they? Where are the perpetrators of the great myth that the press is honest? Where will they be tomorrow morning? Like the greasy rag that it has become, the *Courier-Mail* will ooze under our door. What will it have to say? This daily spreadsheet of deceit will not report this

debate honestly. In the past, what we are confronted with tonight is something that would have been headlines. In the past, what would Tony Fitzgerald, QC, have thought of a moment like this? Mr Speaker, when confronted with a situation such as now confronts this House, we have to ask: what has become of the State, what has become of this House and what has become of Standing Orders? Is this genuinely a House of ill-repute? It seems so. Is this a House, as seems to be the case, controlled by inept thugs? How embarrassed you must be, Mr Speaker.

Mr SPEAKER: Order! The honourable member will resume his seat. I will not allow the member for Burdekin to imply or suggest that I have certain feelings. I have no feelings at all about these matters, so the honourable member will leave me out of the debate.

Mr STONEMAN: Mr Speaker, I am addressing my remarks to you. I feel for you. There is no longer a reasonable brake on the propriety of Government in this State because there is no way that the community can understand the real effect of the misuse of power in this House. The motion was moved just after dinner—when the television news was all over and the *Courier-Mail* had been put to bed. Who will ask questions about this debate? Who will say, "What happened in the Parliament last night? What happened to Standing Orders?" How will the public ever know of this misdeed, Mr Speaker? I put that to you in all sincerity. Opposition members have a great deal to say about this motion and the Bill that is, unfortunately, before the House; but how will the community ever know about it?

There is no longer honesty, decency and justice in the processes of this Parliament that can be recognised in the broader community. That is the tragedy of the motion, and it is a tragedy that will probably never be known. The only way that this tragedy will become known is if there is honesty, justice and decency in the views that will be expressed tonight. Sadly, that can happen only via the print media, first and foremost. I would bet that tomorrow morning, when that rag oozes under my door, that newspaper will contain an account of this debate—if at all—on page 99, wedged between the weather forecast for Misima Island and something that happened in Perth.

This is a tragedy and a travesty, and I have much pleasure in joining my honest and sincere colleagues in the Opposition in opposing the further degradation of a Parliament that we all held so dear.

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

AYES, 44—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Mr SPEAKER: Order! There is too much conversation in the Chamber. Members leave quietly, please.

Second Reading

Debate resumed from 21 March (see p. 11192).

Mr BEANLAND (Indooroopilly) (8.09 p.m.): Well, well, well, how the mighty have fallen! What a grubby little act is taking place here this evening. With all the legal advice at his disposal, the Attorney-General is having yet another go at the freedom from information legislation. It certainly is freedom from information legislation. Amendment after amendment after amendment has been introduced by the Attorney-General to ensure that all material that might be of any contentious nature under sections 36 and 37 of the legislation can be assured of Cabinet or Executive Council exemption so that the public will not be able to glean what information that material contains. It does not matter what the information is; if it will embarrass this Government, throw it before the Cabinet, say it has been submitted to Cabinet, and it is all clear. That is exactly what the proposed amendments will do. They will ensure that members of the public do not have access to information to which they are rightfully entitled. The Minister's second-reading speech was a hollow statement. The Minister stated—

"The Bill has two aims:"—

it certainly has that—

> "to remove any remaining ambiguity regarding the Cabinet and Executive Council exemption; and to make the amendments retrospective."

The Government does not want to miss that. It will make sure that the amendments, which cover everything that anyone has asked for, will be made retrospective. This Bill certainly does that. For the Government to go to those lengths, it is clear that it is petrified of something or other. Maybe it is one of those many pieces of legislation covering inquiries, commissions and whistleblowers. It might relate to the casino. It may well relate to the case involving Mr Mantle at South Bank. It may also relate to Ministers' briefing papers for the last Budget Estimates Committees, for which a number of Opposition shadow Ministers have asked. Whatever it is, the Government has been brought to its knees on this issue, and it must rely on the brute force of numbers to win the battle on the floor of the House. Tonight, the last nail is being hammered into the coffin of freedom of information legislation, which has certainly become freedom from information legislation.

These amendments go well beyond the principles of Cabinet confidentiality and secrecy that were enunciated by the Minister when introducing this legislation, and the Minister knows it. It is well worth reminding ourselves of those halcyon days when the Government introduced the original legislation and screamed from the rafters about how wonderful it was.

The objectives of the Freedom of Information Act 1992 include—

> ". . . the public interest is served by promoting open discussion of public affairs and enhancing government's accountability."

That is all dead and buried. The objectives also include—

> ". . . the community should be kept informed of government's operations, including, in particular, the rules and practices followed by government in its dealings with members of the community."

That has been wiped out; members can forget that one. The objectives continue—

> ". . . members of the community should have access to information held by government in relation to their personal affairs and should be given the ways to ensure that information of that kind is accurate, complete, up-to-date and not misleading."

Some aspects of those objectives still remain. However, two and a half of the three objectives have been wiped out totally; they are finished—dead and buried. This is the final nail in the legislation's coffin. It think it has been shown in this House that this Government has well and truly buried freedom of information. It has buried the Fitzgerald reform process and this evening we are putting the final nail in the coffin of that process. The Government has well and truly buried openness and accountability of Government. The community has heard so much propaganda and rhetoric from the Goss Labor Government, yet by its own actions——

Mr Slack: Where is Mr Goss tonight?

Mr BEANLAND: That is a good point: where is Mr Goss tonight? One can always be assured that when there is something on the nose in this place, Premier Goss will not be here. No reason has been given for his absence, and this legislation is certainly on the nose. I am sure that he is not one of the four Government members on the speaking list and as the gag has been moved he would have to jostle for a position.

Mr FitzGerald: Look at the list.

Mr BEANLAND: Yes, it is a pathetic list with the names of only four Government members on it.

Dr Watson: He's probably making an announcement about a recent decision.

Mr BEANLAND: Yes, I am sure that that is so. He is probably telling the community that freedom of information is dead and buried. He will be doing anything but informing the people and adhering to the august principles about which we have heard so much.

Two and a half of the three objectives of the original legislation are buried and only half of the third is still alive. In November 1993, this Government endeavoured to amend the legislation so that all matters that the Government desired to be exempt would be exempt, regardless of what those matters might be. At that time, the Government went to great lengths to try to ensure that matters which could be of a contentious nature or cause the Government some embarrassment could be considered eligible for exemption under section 36, which is the Cabinet exemption. Since then the whole exercise has been turned into an art form because the November amendments were not quite good enough.

Recently, I requested access to the briefing notes that were prepared for ministerial use during the Estimates committee hearings, as did other members on this side of the Chamber. It was a simple request for information that, obviously, the Government

was prepared to make public. After all, the notes were prepared for the Estimates committee hearings. They were not matters of national or State security; it was public information.

Mr Gilmore interjected.

Mr BEANLAND: Certainly, the honourable member is right. No doubt, they would have contained some contentious issues which the public servants would have prepared and which the Ministers of the day would not have been prepared to make public. They would have scampered around, come up with some other answer and would not have made that information public. Nevertheless, after making my application, I received a reply dated 27 July saying that my application of 15 July under freedom of information had been considered, but Cabinet matters were exempt and that if the matter had been submitted to Cabinet for consideration it would be exempt from freedom of information. There was no reason for the documents that had been requested to be submitted to Cabinet. Certainly, they had not been submitted to Cabinet at the time of my request. In a letter dated 11 August, I was informed that all of the documents that I had requested had been to Cabinet for its consideration.

Sometime after that application, I was tipped off that the documents had been rushed to a Cabinet meeting in Mount Isa.

Mr Gilmore: No!

Mr BEANLAND: Yes, they were rushed to that Cabinet meeting so they could become Cabinet-exempt documents. So honourable members can see just how far the Goss Government has gone to abuse and strengthen the exemption provisions of the Act that came into force in 1993. It is indefensible that those documents were retrospectively made Cabinet exempt by the Government, which obviously has plenty to hide. It makes a sham of the legislation, which is now in tatters.

I have continued to pursue that matter and I have taken legal advice on it, although, after this evening, it appears that another potential loophole has now been blocked off.

Mr Wells: We are, as you say, blocking off a loophole.

Mr BEANLAND: I am pleased that the Minister admits it. It is interesting that the shadow Ministers are able to find these loopholes and drive a wedge into the legislation. I thank the Minister for indicating that because, in spite of all the attempts by the Minister and the legal advisers who surround him, those loopholes cannot be blocked off. It just goes to show how incompetent he really is.

In relation to the claim of exemption of Cabinet matters, I am sure it was never envisaged by EARC or PEARC that the Government would stoop to such a grubby tactic. When the legislation was introduced, I am sure that the public had such high hopes of accountability from this Government. Never for a moment was it contemplated that this Government would so quickly become so despised and so arrogant over the argument about the documents that were used for the Estimates committees. Certainly, I have appealed to the Information Commissioner for a review of this matter, and I will continue to persevere.

It is interesting to note that, in relation to a number of these sections that this Government has moved to close off, it has introduced a definition for "submit" and it has changed the definition of "consideration". Under this legislation, they are two very important definitions. Previously, to claim exemption matter had to be prepared for submission to Cabinet for its consideration. Of course, we know that that was a load of nonsense, a load of baloney. The Estimates Committee briefing papers were never considered by Cabinet. They may have been sent to a Cabinet meeting and thrown on the table.

Mr Borbidge: Placed in the room.

Mr BEANLAND: As the Leader of the Opposition said, they may have been placed in the room.

Dr Watson: I think just in the same city is close enough.

Mr BEANLAND: Perhaps they were not even in the same room; we do not know. All we know for sure, because Labor members have told me so, is that they went to the same city. The Bill provides for new terminology for "submit" a matter to Cabinet, which includes bringing a matter to Cabinet irrespective of the purpose of submitting the matter to Cabinet, the nature of the matter or the way in which Cabinet deals with the matter. There were enough loopholes previously but now, because the Attorney-General has been caught out, we have a new array of definitions.

Mr Borbidge: They will be able to exempt the Premier's *Phantom* comics.

Mr BEANLAND: I am sure they will be able to exempt the Premier's *Phantom* comics. Obviously, the Attorney-General carries on with phantom nonsense at Cabinet meetings because he informed Cabinet that

he had successfully exempted all of these matters—it was just another phantom story.

Mr Quinn: He's almost exempted himself.

Mr BEANLAND: I say to the honourable member for Merrimac that, after his performance this evening, the Attorney-General has certainly exempted himself from the ministry. As I mentioned earlier, time and time again we find that matters have to be brought back and we have to amend legislation over and over again to protect the hide of this Attorney-General. That is exactly what we are seeing.

But not only are shadow Ministers involved in trying to gain access to these briefing papers but I understand that Mr Fagin, a journalist, has been trying to get these briefing notes. Yet this Government, as though it did not have enough ways to exempt itself, has a definition for "statistical matter". It may have been able to weasel its way around that definition, but I believe that we have managed to get under the "statistical matter" umbrella, and that is one of the reasons why we see this particular proposal this evening.

It is quite clear that these proposals are designed to cover those briefing notes. If the Minister has his way, the Bill will ensure that they are excluded. Let me assure the Attorney-General that I will sit down with my legal advisers and we will pour over this material again. It will not surprise me in the least if, for the umpteenth time, the Attorney-General has fumbled it again. The Attorney-General has given assurances many times that the Leader of the Opposition, other shadow Minister and I have not caught him out. Yet over and over again we catch him, and we certainly caught him in relation to this legislation.

Mr FitzGerald: No, he catches himself out.

Mr BEANLAND: He certainly catches himself by being too smart by half. Let us look at these other matters that might be excluded. We have Mr Mantle's matter, which relates to an area on the south side of the city. He has a huge lawsuit against the State Government. It could very well be that one of the reasons that this exemption under the Act is being amended is to ensure that Mr Mantle is unable to gain access to any further information in relation to the Kangaroo Point cliffs. We have been given no reason for rushing through this legislation and no real reason why the Government is so petrified. It could very well be that the Government has something to hide over some grubby exercise in relation to the Kangaroo Point cliffs.

Mr Gilmore: I wonder if it's corruption?

Mr BEANLAND: I say to the member for Tablelands that it could very well be that. We will have to see how Mr Mantle goes with the court case.

Dr Watson: The Federal Court will probably find against him in any case.

Mr BEANLAND: At the end of the day, it could very well be that this will not save the Government's bacon because Mr Mantle's company, JL Holdings, has initiated a Federal Court action over this proposed $20m recreational development. So we will wait to see how the Government fares in that case.

When this legislation was introduced, Mr Foley came into the Parliament. However, he is absent this evening. I hope we might see Mr Foley later during this debate. He might support the Government.

Mr Beattie: He was here earlier.

Mr BEANLAND: But no, Mr Foley is not supporting the Government's amendments.

Mr Borbidge: Poor old Peter Beattie.

Mr BEANLAND: Peter Beattie gets all the drudgery jobs. He cops the crow. Members can rest assured that Mr Beattie cops it each time. I say to Peter, "Well done." I do not think that it will gain him ministerial leather, but he can keep trying. On 5 August 1992 Mr Foley stated—

> "This day is a good day for the ordinary person because it changes the balance between the ordinary person and the power of Government. We live in a society where information is power."

This Government is certainly locking off that power. We know exactly what Mr Foley means. Of course, on 4 August Mr Foley stated in this House—

> "It is important, in the interests of their wellbeing and in the interests of truth, that this odd aberration should receive correction."

In relation to the case of reforms to the availability of information in the public sector of this State, he went on to say—

> "In the reform of Queensland society, it is important that we deal not merely with the structural issues, the power issues, but also that we redress the issues at the level of ideas."

That has all certainly been dead and buried well and truly this evening. Of course, it is so true to say that the Labor Party says that

it is committed to reform. It said that it would build its commitment to reform around establishing freedom of information. Since that time, to protect the Government it has done everything to restrict information. It has amended the Freedom of Information Act not once or twice but on several occasions to broaden the number of documents excluded from public scrutiny. That is again what we see this evening.

Recently, the Opposition put in requests for access to briefing notes and other supporting documents prepared for Ministers at the Estimates Committees. I just happen to be reading from a note which came from a Labor member—a very disgruntled Labor member—who has fed me a good deal of information about the Attorney-General's activities in relation to the FOI legislation.

Mr Borbidge: There are about six of them blushing.

Mr BEANLAND: No wonder they are blushing. We have been advised now that all briefing notes prepared for Ministers at the Estimates Committees cannot be accessed under FOI. What has the Government got to hide? This episode shows how useless the FOI Act is and how the Government will use whatever means it has at its disposal to cover up sensitive information. This Labor member continues to state that the Goss Government is not committed to open and accountable government. Remember how Labor, when it was in Opposition, used to criticise the Nationals? Remember how the Nationals opened up the books to the Fitzgerald inquiry inspectors? The FOI Act is a farce—and so is the Goss Government's commitment to reform. That is the truth about Labor's freedom of information.

We hear a lot from the Attorney-General about his commitment to the FOI legislation and to the amount of information that is made public.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest will not interject from other than his own chair; when he gets there, he will cease interjecting.

Mr BEANLAND: The facts are that more than 40 per cent of applications under the FOI Act for non-personal information are refused. When one sits down and looks at the figures, one sees that that is the truth of the matter. Never mind saying that the vast majority of information is made public; let us look at the non-personal information. That is what we are about this evening. Already we are finding that more than 40 per cent of non-personal information sought by the general public is not being made available. There is no doubt that that percentage will multiply considerably after tonight's grubby little exercise by this Government.

I am shocked to hear that the honourable member for Brisbane Central is supporting this amendment legislation and that his name is on the speaking list. The honourable member is always talking about his commitment to open and accountable Government. He is always telling us about that. He is supposed to be better than that, but he certainly will not be after tonight's performance. The honourable member is in the gutter with the rest of his colleagues on the other side of the House.

It is important that, in looking at this information, we are not conned by the figures from the Attorney-General that some 90 per cent of information that is sought is made available. Personal information is included in that figure. More than 40 per cent of non-personal information requested is not made available to the public. That is what this argument is all about. That is a huge figure. I am sure that after these amendments pass through the House this evening that figure will soon pass the 50 per cent mark.

It is little wonder that on so many occasions the *Courier-Mail* has referred to the FOI legislation as a joke. Time and time again, journalists from the *Courier-Mail* and other leading newspapers in the city have reported how journalists come up against a brick wall when seeking information from the Government. I assure the editors of all media outlets, whether they be from newspapers, television or radio stations, that this evening the brick wall is being reinforced. This is the last nail in the coffin of this Government's so-called freedom of information. The Government now has an obsession about secrecy, which is reaching new heights this evening with these amendments.

One can see the panic that the Government must be in for it to further reinforce the wall by bringing in legislation, as it is doing this evening, just a few months before an election is likely to be called. And it may be called in a matter of only a few weeks. This must be a very pressing matter. Time and time again, the whole issue of Cabinet exemption and retrospectivity has been raised, as the Attorney-General tries to reinforce his position so that there will not be an opportunity for Opposition members to gain further information.

The legislation spells out quite clearly that it will be retrospective and that it will apply to all matters that are currently the subject of applications under FOI. The legislation spells out that it applies to an application made under this Act before the commencement of the amending Act. It applies to any current applications, regardless of whoever they might be before. These new exemptions will apply to all applications that have been submitted. So they are all-encompassing.

Earlier, I noted that the definition of "consideration" has now been widened to include "discussion, deliberation, noting (with or without discussion) or decision". The words "with or without discussion" must denote a new type of "consideration". The Attorney-General got caught out. However, just in case we somehow find a way around that provision, the Government has included a definition for "submit" as well. How desperate the Government is! The Government is not very well up on legal advice and it is certainly not very well up on these words, even though it might try to have us believe that it has its finger on the pulse. If the Government did, we certainly would not be debating these amendments this evening.

So the new definition of "consideration" includes—

> "discussion, deliberation, noting (with or without discussion) or decision; and
>
> consideration for any purpose, including, for example, for information or to make a decision."

Then there is a new definition of "submission", which includes any matter that has appeared anywhere near the Cabinet. It does not have to be on the table; it can be anywhere at all.

We still allow Ministers to give certificates. A Minister can say that a matter has been prepared for Cabinet, give a certificate to that effect, and that material is excluded. The amendments also include chief executives. In relation to briefing notes and so forth that have not been placed before Cabinet but about which there has been discussion with chief executives, that material is also excluded. And so on it goes. Even the public service has been included in this exemption by the inclusion of the chief executive officers of departments. This goes to show just how desperate the Government is.

Mr Beattie: But only the chief executive officers.

Mr BEANLAND: I will take up the interjection of the member for Brisbane Central, because it concerns not just the chief executive. The chief executive sees all of the material that goes to the Minister. He is the Minister's chief adviser within a department. Nobody else has to be included, because all departmental material is prepared for the chief executive. Regardless of whether and in what form he passes that information on to the Minister, it will certainly be picked up by this catch-all clause, which has been placed in this legislation to ensure that a matter does not fall between the wheels and is not made available to the public.

Mr Gilmore: Is there anything that is not exempt?

Mr BEANLAND: There is really nothing that has not been included in these exemptions—nothing at all. It makes one wonder why the Government bothered to bring in the freedom of information legislation at all. The Government could have simply introduced legislation to allow people to access their personal files. That is really what the legislation is reduced to now; in certain circumstances—not all—the legislation will allow people access to their personal files.

Mr Gilmore: That is provided those files are not exempt.

Mr BEANLAND: And provided they are not exempt and provided there is nothing contentious that might embarrass the Government, Mr Goss, the Attorney-General, some other Minister or the Labor Party.

Mr Gilmore: Or their cronies.

Mr BEANLAND: Or their cronies. People such as Mr Rudd can claim exemption for just about anything. This is why it is so important.

An Opposition member: Dr Emerson.

Mr BEANLAND: Yes, Dr Emerson. By including the chief executive, importantly the chief executive of the Office of the Cabinet is picked up. All of the information that Ministers have to submit to the Office of the Cabinet goes through the Director-General of the Office of the Cabinet, and all of that information is picked up by the legislation as well. So it is all-inclusive. As soon as a Minister says that it is a matter that concerns Cabinet, that it was prepared for Cabinet and in some way may relate to Cabinet, the Minister may claim exemption. There is a series of ways of doing that, which I have already been through.

Back in early 1992, the Government was beating the drum and telling the public that they would now be able to gain access to this documentation. Day by day, week by week the Government has buried that legislation, and it

is finally burying the last act of that show this evening with the extensions to this legislation.

In conclusion, who would have thought that in such a short period this Government, which was elected on the principles of openness and accountability, would have seen that those principles were dead and buried. It was a fraud and a con. This Government conned the people of Queensland and by its action perpetrated a fraud on the people of Queensland. We can certainly show people now how the whole process is dead and what a phoney commitment it was in the first instance. The Government has provided itself with a way out. I am not sure why this was necessary, but it has now provided itself with a way out of providing whatever information the public may require. Regardless of the type of information sought, it is now very easy to claim its exemption through the broadening of these definitions. The Government can walk away from the issue by saying, "It is ministerial responsibility. We can't make it available because it might involve a Cabinet consideration."

What a farce! When the legislation was first introduced with a great deal of hype, the Attorney-General could not take enough credit for it. He could not say enough wonderful things about how at long last Cabinet would be accountable to the public of Queensland and to the Parliament. Since that day, the Attorney-General has run away with his tail between his legs. Week after week, the principles of FOI are being eroded. Because this legislation is being made extremely tight and will apply retrospectively, members of the public will be denied the vast majority of the information that they request.

I assure the Attorney-General that the Opposition will continue to attempt to access the Estimates briefing notes. Time will tell whether, once again, the Attorney-General will have to amend this legislation, as he has had to do so often already. I predict that, once again, the Attorney-General will have egg on his face.

Mr Cooper: Covered in sticky plaster, this lot.

Mr BEANLAND: There is not enough sticky plaster in Brisbane to cover up this matter, and what a pathetic performance it is!

I reiterate that the Opposition is strenuously opposed to this legislation. In the interests of the people of this State, we will oppose this legislation in the strongest terms. How disappointed those who served EARC and PEARC must be! They put so much effort into this legislation. Both of those bodies referred to the importance of freedom of information. Members heard all the rhetoric from this Government on the importance of FOI, but that has all been swept under the carpet this evening.

The Attorney-General had hoped that we had seen the final act of this play, but he has been caught out. I am sure that he hopes this evening will represent the final act. I assure him that the Opposition will not give up so easily. On behalf of the public of this State, the Opposition will continue to question the provisions of this legislation relating to the exemption of Cabinet material. This Government has closed off a great deal of information from the public. At present, over 40 per cent of the information requested by the public is denied. That figure will soon reach 50 per cent. When it comes to the crunch, this Government simply does not have the guts to be truly open and accountable.

Mr WELFORD (Everton) (8.42 p.m.): I am very pleased to speak in support of this amending Bill. I might not have felt disposed to mount an argument in support of this legislation if it had not been for the cynicism that swells out of the mouths of Opposition members on this issue. The extraordinary hypocrisy that they express in these matters leaves one dumbfounded. For the member for Indooroopilly to spend one nanosecond suggesting that the Government is committing some sort of fraud on the people of Queensland in this matter only destroys his credibility. The Opposition—and the member for Indooroopilly in particular, who has had carriage of the Opposition debate on this matter so far—might have had some credibility in its argument had it confined it to what is sustainable. But the member for Indooroopilly damns himself by overstating his case so ridiculously that we now know that there is no genuineness to his argument whatsoever.

The simple fact of the matter is that this is a proper and necessary amendment to the legislation which would not be necessary if those who seek to make use of freedom of information legislation were doing so in the spirit in which it was first drafted or when it was amended in 1993, when I spoke about the relative merits of freedom of information and its costs to Government. There is a point beyond which the cost to the Government of providing information, both in financial and integrity terms, outweighs in the public interest the justification for disclosing that information.

Government has to strike a balance on these matters.

One thing is clear: case after case before the High Court of this country has recognised the fundamental principle of Cabinet secrecy. There is simply no question that matters that go before Cabinet must be able to be debated in Cabinet. Documents prepared for Cabinet must be able to be prepared by any unit of the public sector with candour, looking at the various arguments and raising the various options, including those that might be adverse to the Government if they were disclosed. If the candour in the preparation of those documents was not protected by the confidentiality that surrounds Cabinet deliberations, then government would simply be unworkable. Opposition members understand and appreciate that, but they seek to launch themselves into the confines of Cabinet discussion simply because they are incapable, either in this place or before the Estimates committees, of finding the information that they want to find.

To the extent that this amendment has any impact on the coincidental application that certain Opposition members might be making at present, or made last year—it is relevant only to this extent: there was never an intention in the freedom of information laws to provide for unfettered fishing expeditions by anyone. It was not contemplated in respect of any non-personal application for information that the Government should be imposed upon—and, indeed, that the taxpayer should be imposed upon—to simply allow a completely free-ranging fishing expedition for documents of a broad category without any specific requirement for that information. Yet that is effectively what the Opposition is trying to argue. The Opposition is trying to mount a case that says, "Look, it does not matter what is before Cabinet. We want access to it." The Opposition has the Parliament; it has question time; it has been granted an extended opportunity to ask questions with and without notice—an opportunity that it has assiduously sought to avoid taking——

Mr Beattie: And abused.

Mr WELFORD: The opportunity has simply not been taken. The Opposition has been given the opportunity of an Estimates debate which, for 32 years, it assiduously avoided. It has been given the benefit of freedom of information legislation which, for 32 years, it assiduously avoided. But when, for the first time in Queensland's administrative history, this Government opens itself to the accountability of freedom of information that has as its primary purpose providing ordinary citizens with the opportunity to obtain information about themselves, what does the Opposition do? It turns around and argues, as cynically as possible, that it should have open slather without any justification whatsoever.

Mr Laming: Why don't you read the document? It will tell you what FOI is for.

Mr WELFORD: We know what FOI is for. FOI is not about the disclosure of Cabinet documents; FOI is not about the disclosure of matters before Cabinet.

Mr Laming: You don't know what you're talking about.

Mr WELFORD: The member does not know what he is talking about. He has been here only five minutes. He has read one brochure, and he thinks he has read the Act. Get out and read the Act, you donkey!

Mr Laming: I learn quicker than you. This is your Government's document, and you're wrong.

Mr WELFORD: I only hope that if, at some future time beyond my lifetime, the honourable member who interjects—if he is still here and not fossilised like some of his neurones already are—is in Government, he will abide by his current position that Cabinet documents should be disclosed at the behest of the Opposition or, indeed, at the behest of anyone, because that is essentially the position that he is trying to advocate. If the member had any brains at all—indeed, if any of his colleagues——

Mr Borbidge: They were not Cabinet documents at the time.

Mr WELFORD: Let me come to that. I am perfectly happy to address that issue. The timing of an application for freedom of information is irrelevant. If the fundamental principle is that Cabinet documents should not be disclosed, then it is irrelevant when an application for them is made. Let me clarify why this Bill is necessary. It simply clarifies what the law always was.

Mr FitzGerald: It's retrospective.

Mr WELFORD: No, it is not retrospective in this sense: if the honourable member was to accept, as he should, that even under the provisions of the previous Act no documents before Cabinet should be disclosed—no secrecy of Cabinet should be breached—then all this legislation does is clarify that pre-existing position. It would be absurd to say, "Okay, it has always been the position that these Cabinet documents should not be disclosed."

Mr Gilmore: They were not Cabinet documents in the first place.

Mr WELFORD: They were Cabinet documents.

Opposition members: They weren't.

Mr WELFORD: So what? If documents go before Cabinet, then Opposition members are saying that they should be disclosed. That is simply not a sustainable argument. I point out that, while in a technical sense this law operates retrospectively, it does so only to the extent that it ensures that applications previously made are dealt with in exactly the same terms as all future applications. It would be absurd for future applications to come before the Government and be denied for the very same reasons that pre-existing applications are now being sought for approval but which should also be denied. This amending provision ensures that there is consistency in dealing with those previous applications which, even under the existing law, should not be allowed.

My view is that a matter put before Cabinet for its consideration, once it goes to Cabinet, is confidential—that is the end of the matter. The removal of the words "for its consideration" only occurs to make it clear—as it should have been clear under the previous amendment—that the mere fact that Cabinet does not in fact give detailed consideration to something does not matter. If something is prepared for the purpose of consideration by Cabinet, whether in fact Cabinet ultimately gives it detailed consideration should not matter, because the principle sought to be protected is that, where a document is prepared that canvasses a range of options for Cabinet to consider, then whether or not Cabinet considers it, it is not in the public interest for those options to be canvassed publicly. That is the whole point of documents going before Cabinet for its consideration.

That is the reason for this amendment. It clarifies the simple fact that where a document is prepared for submission to Cabinet and it goes to Cabinet, then it simply does not matter whether it is considered or not if it is prepared for submission to Cabinet in the first place. That is the fundamental point. If Cabinet considers it, then that is the end of the matter. It is absurd for anyone to argue that the confidentiality of Cabinet should be breached.

It is open to Opposition members to argue that certain documents may not have been prepared for Cabinet—let them argue that—but in respect of the provisions of this Bill, they should not argue that by simply removing the words "for its consideration" should allow anyone to apply for documents that go to Cabinet. As Opposition members well know, it simply does not make sense. If they were in Government—well, if they were in Government this legislation would not exist. They would not even have freedom of information legislation. The point is that they appreciate and know that, even if they were in Government today, documents that go before Cabinet, regardless of whether Cabinet in fact considers them in detail, are documents the confidentiality of which should properly be protected. That is all this amendment does. Members opposite ought to realise that neither this Government, nor a Government which they might otherwise be heading, would ever countenance an Opposition member, or indeed any member outside of the Government, simply engaging in a fishing expedition in the hope that they might find documents that would be useful for them to mislead the public about what the Government is doing.

FOI is not about fishing expeditions or breaching Cabinet confidentiality. It is simply the most cynical of arguments for Opposition members to assert that. They know that it cannot and should not be sustained. They are doing so only because it suits the convenience of their political purpose at the moment, a purpose which they would be happy to change in different circumstances.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (8.56 p.m.): In supporting the comments of the honourable member for Indooroopilly, I will in a moment deal with the twisted and tortured logic of the member who preceded me. The interesting question is: where is the great icon of accountability and open Government? Where is the leader of this secret Government? Why is it that, when something smells, he is never around? He always leaves it to the Attorney-General or the Leader of the House to do his dirty work.

Tonight, there are dead cats falling out of trees everywhere. This particular proposal is rotten and it stinks, and I will tell members why. Tonight, we see the Government's true commitment to reform and accountability. One day after this Government talked about its bold new era of parliamentary reform, we see this example of gross abuse. Tonight, we see this Government in its true form. We have an indefensible Bill, which has sat on the table of this Parliament for less than 24 hours, being rammed through tonight with under three

hours' debate. It is a deliberate effort on the part of this Government to cover up its own mismanagement and to shield itself from scrutiny. That is what this is all about. This is not about open Government, this is about covering up.

The unanswered question is: why? Why the undue haste? Why overturn the standard protocols? Why push this through? Why go to such extraordinary lengths? Tonight, this Parliament witnesses the incredible irony of the curtailing of freedom of information, the policy that was to be the cornerstone of the Goss Labor Government's commitment to reform and the heralding in of the bold new era. Of course, that policy took some time to implement—long enough in fact to make sure that the Government would not suffer undue embarrassment in the lead up to the 1992 State election.

This legislation is a farce—an expensive farce—but just what is the Government hiding? Is it something to do with the Senate hearings that are currently causing, and I believe will continue to cause, embarrassment to this Government? Is it action against this Government over the development of the Kangaroo Point cliffs—the court case involving J. L. Holdings and the fact that the Deputy Premier and the Government are being sued—or is it that the Opposition has caught out the Government over its request for information prepared on behalf of Ministers who fronted the Estimates committee hearings? There is something going on and the Opposition demands to know what it is.

This legislation provides further proof, if further proof were required, of how FOI has become a farce under this Government, this Premier and this Minister. This is retrospective legislation designed to validate the actions of a Government that has been caught out by the Opposition, which sought to use legally the FOI Act to keep this Government accountable—an Opposition which sought legally and legitimately to use freedom of information to obtain documents associated with the Estimates committee hearings. That, of course, was not what the Government wanted. It did not want the entirety of its actions exposed. It did not want the true story told; it did not want all of the figures tabled.

The Government considered all the available options and, despite the fact that Estimates debates occurred in June—in June—of 1994, rushed all the documents to Cabinet on 18 July 1994 at the infamous Mount Isa Cabinet meeting. They were not Cabinet documents, as suggested by the member who preceded me in the debate. I respect and understand the need for Cabinet secrecy. However, those documents had never been through Cabinet. They had never been near Cabinet. They went to Cabinet only after the hearings of the Estimates Committees.

I refer to a statutory declaration from an Office of the Cabinet staffer, one Peter John Stanley. I read from that statutory declaration—

> "I, Peter John Stanley, Cabinet officer, Cabinet Secretariat, 100 George Street, Brisbane in the State of Queensland, do solemnly and sincerely declare that,
>
> On Friday 15 July, 1994, I supervised the preparation for transport to Mount Isa, of documents which were prepared by the departments for the purpose of briefing their respective Ministers during the 1994 June parliamentary Estimates Committee hearings.
>
> The documents formed part of a submission which appeared on the Cabinet business list for 18 July, 1994.
>
> On Monday 18 July 1994, I placed the documents in the Mount Isa City Council chambers which were being used as the Cabinet room on that day, and I removed them after the Cabinet meeting had finished. I am aware that a Cabinet meeting took place in that room.
>
> Signed, Peter Stanley."

That was the first story of deceit from the Government. That demolishes the argument put forward by the honourable member for Everton. The fact is that the Government was caught out. It decided to take those documents to Cabinet, and now those documents are being retrospectively invalidated from FOI. Documents that now are legally accessible in the proper course of the law—Labor's law—will no longer be available.

This is not about Cabinet secrecy. Good heavens! We understand and respect the traditions and conventions of the secrecy of Cabinet. When the FOI requests were lodged by the Opposition, those documents had never been near Cabinet. They were tabled in Cabinet after the request in an attempt to deny those briefing notes to members of the Opposition.

Mr Quinn: They weren't prepared for Cabinet, either.

Mr BORBIDGE: They were not prepared for Cabinet. Those documents were

never prepared for Cabinet. They were prepared for Ministers to use during the Estimates Committee hearings. They were never submissions.

The reach of the amendments in this retrospective Bill is absolutely extraordinary. It is a moveable feast in turning FOI into a famine of information. That is the new meaning of FOI under the Goss Labor Government—not freedom of information, but famine of information. Soon, all we will have left is the title. The legislation can be made to mean whatever the Government wishes it to mean, whenever it wishes it to mean whatever it wants it to mean, in the interests of secrecy, in the interests of cover-ups and in the interests of protection.

The Bill represents an absolute and breathtaking contradiction of the sentiments in which the Government clothed the introduction of the original Bill. Those sentiments are now seen to be pure rhetoric. At that time, the florid Attorney was in full, flowery flight. I now remind honourable members of his sanctimonious, empty and deceitful rhetoric. It began in the opening lines of his speech. He said that the FOI legislation was the second of the great Goss reforms of administrative law. First was judicial review; next was FOI.

FOI is now going the way of the judicial review legislation, referred to in that opening line by the Attorney, which in its infamous baptism failed to allow judicial review of the Government's decision making on the Treasury Casino—a sign of things to come. Just as the Judicial Review Act proved to be a fraud at its first major test, FOI is now undergoing, step by step in this Parliament, the fate of the FOI Act in John Cain's Victoria, where that particular hero of the Government simply and habitually passed amendments to his legislation every time the door opened a crack and citizens looked as though they might be able to get hold of some interesting information.

Back to the Attorney's soliloquy about his Government's munificence of December 1991, when we were told by the Attorney, to the accompaniment of histrionic flourishes and hot flushes—

> "The object of this Bill is to extend as far as possible"—

as far as possible—

> "the right of the community to have access to information held by Queensland Government agencies."

One can almost hear the violins playing. The Attorney continued—

> "Freedom of information legislation enshrines and protects three basic principles of a free and democratic Government, namely, openness, accountability and responsibility."

On and on in that posturing vein the Attorney went. Then the worm turned and we had the infamous amendments of 1993, which sought, apparently in vain, to so shroud openness and so discount accountability that nothing, basically, which had passed through the thought processes of anybody in Government as having the most remote connection possible with the Cabinet process could possibly be entertained under the legislation because it might reveal something about the way in which the Government worked.

When we see the total dysfunction of the Cabinet process of the Government demonstrated time and time again, despite the largesse of the Cabinet Office, I have no doubt that the Government has very good reason to keep the whole business as secret as possible. No doubt, that is why the Bill was introduced furtively, without fanfare, deep into the evening last night and, less than 24 hours later, is now being debated under a suspension of Standing Orders. No handling of the legislation could be more telling of the Government's true approach to those alleged foundations of FOI of openness and accountability than the manner in which the Attorney has slunk into the Parliament with that nasty, sly, catch-all rubbish.

Let us juxtapose his attitude towards that initial legislation that was introduced—which he may, to give him the benefit of the doubt, have believed was actually dealing with freedom of legislation but which he now understands perfectly is meant to be famine of information—with the manner in which he has introduced the Bill. It is interesting to now note that the first Bill was regarded by the Attorney as so important and so demanding of informed debate that he lay it on the table over the Christmas/New Year recess. Now, the essence of the entire concept is being gutted. Clearly, neither the Attorney nor anyone in the Government, including, most notably, that "out with the bad news, in with the good news" hermit of the 15th floor, the Premier himself—the leader of this bunch of frauds—wishes to enable informed community debate on the legislation at all, and with good reason.

Members of the House are now debating the famine of information Bill before it has been on the table of Parliament for 24 hours. What a bunch of cowardly, furtive, political

frauds! What a bunch of hypocrites. What about openness? What about accountability? What bunkum we have seen from the Government. The legislation is nothing less than a second bid by the Government—a second bite at the cherry—to absolutely shut the door on freedom of information on anything that might be of the slightest substance and interest in relation to the decisions of the Government.

Honourable members should listen to the wording of some of the gems in the Attorney's second-reading speech in this House not 24 hours ago. He stated—

> "The Bill extends the exemption to matter prepared for briefing chief executives in relation to a matter submitted"—

and here is the catch-22, the catch-infinity, the catch-all of the disgraceful Bill—

> "or proposed to be submitted".

Proposed by whom? Probably by the closest apparatchik. What a lovely word "proposed" will be in the hands of the Government. Anything and everything, and particularly information that has been sought, will no doubt become an issue "proposed" for Cabinet's discussion. How simple, how easy and how global that is.

In relation to new section 36(1)(e), last night, to his eternal shame, in his second-reading speech the Attorney stated that this subsection—

> ". . . prevents the disclosure of matter which would reveal a decision or deliberation of Cabinet."

That is as universal a piece of gobbledygook as that universally handy word "proposed". It can mean whatever the Government wishes it to mean, whenever the Government needs it to mean whatever it needs it to mean—anytime, anywhere, any place. Few pieces of paper would exist in any back drawer along the length and breadth of George Street that would not be covered by this legislation.

But the Attorney wishes to be more secretive. In his second-reading speech he stated—

> ". . . it is intended to go further than this and will protect any matter which would prejudice the operations or considerations of Cabinet. It will, for instance, prevent disclosure of matter which would indicate that an issue had been discussed by or submitted to Cabinet."

Honourable members can see the checkmate that is in place. The catch-22 catch-all should ensure that anything at all of even the vaguest interest to the people of Queensland can be branded quickly or easily as a proposed item for Cabinet. We are seeing deceit, political dishonesty and ethical bankruptcy from an accident-prone and bumbling Attorney-General.

Mr WELLS: I rise to a point of order. The allegations are untrue and offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! With respect to the Honourable the Attorney-General, I ask the Leader of the Opposition to withdraw the comments.

Mr BORBIDGE: Mr Deputy Speaker, out of respect for you, I will withdraw the comments. We are seeing an Attorney-General who has dingoed on his principles; an Attorney-General who has betrayed the trust that his Government and his leader sought in 1989, just as his leader has been part and parcel of this disgraceful legislation that we see before us tonight.

Mr WELLS: I rise to a point of order. The insinuation is untrue and offensive and I ask that it be withdrawn.

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

Mr BORBIDGE: Mr Deputy Speaker, can I seek your guidance from the Minister about what he found offensive?

Mr WELLS: All of the last sentence.

Mr BORBIDGE: What part of the last sentence?

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! To stop prosecuting the argument, the Chair has discretion. The Chair finds the words offensive and the Chair asks the Leader of the Opposition to withdraw.

Mr BORBIDGE: Mr Deputy Speaker, I will withdraw out of respect for you, not for the Attorney-General.

Tonight, what we are seeing is a conspiracy hindering people who have acted within the law—the law enacted by the Government. This is not about the secrecy of Cabinet. The documents that the Government is seeking to hide from public view never went to Cabinet. The matter was the subject of an appeal to the Information Commissioner. This retrospective legislation to protect documents that were never prepared for the purpose of being a Cabinet submission but were prepared for Ministers during the Estimates debates and

were later flown up to Mount Isa and declared a Cabinet submission. This legislation retrospectively validates that foul, dishonest and fraudulent deed.

Mr Littleproud: When this Bill was introduced by the Minister I was a shadow Minister and I warned then that what we were getting was not what it seemed to be, and it is even worse now.

Mr BORBIDGE: The rule of this Attorney-General is: when in doubt, create an exemption.

Mr Littleproud: No, when caught out.

Mr BORBIDGE: When caught out, create an exemption. We are seeing a total prostitution of the principles on which the Labor Party was elected to office in 1989. It does not like the accountability. It does not like the questioning. It is a secret Government that is prepared to do anything necessary to keep its deeds and information secret. The Attorney knows in his heart of hearts that this information is clearly in the public interest.

Why is a briefing note that was prepared for a Minister for an Estimates debate, about which he can be asked questions, the subject of retrospective legislation so that the Government does not have to provide the details under freedom of information? What a farce! What a joke the Attorney is! What a fraud.

Mr DEPUTY SPEAKER: Order! The Chair considers the term "fraud" unparliamentary and requests the Leader of the Opposition to withdraw the term.

Mr BORBIDGE: What a fraudulent act for any Government to take.

Mr DEPUTY SPEAKER: Order! The Chair has asked the Leader of the Opposition to withdraw the term.

Mr BORBIDGE: I will withdraw the term. What a dishonest act for any Government to take—a Government that in 1989 was elected on a contrary commitment to accountability.

Time expired.

Mr BEATTIE (Brisbane Central) (9.16 p.m.): This debate really is ironic. In all the time that the National and Liberal Parties were in office, they never introduced freedom of information legislation. What hypocrisy it is for them to come in here and attack our legislation. If they happen to fluke the next State election, one of the first things that they would do would be to abolish the current legislation. I would like to see the members opposite give an election commitment that they would maintain the freedom of information legislation. I have never heard one commitment from them that they would do that. They did not do it in 32 years. This Government had to do it. Given the chance, which they will not get, they would get rid of freedom of information. What a lot of frauds! What a lot of fraudulent arguments.

When one considers the Fitzgerald inquiry and its report, one really gets to the heart of what freedom of information legislation is all about. That was the report that analysed the performance of the previous Government under the National and Liberal Parties.

Mr J. H. Sullivan: Look at them all here.

Mr BEATTIE: Indeed, they are. It was Fitzgerald who talked about making this Parliament more relevant. It was Fitzgerald who talked about openness and concerns about secrecy. As the honourable member for Indooroopilly said, it was Fitzgerald who made that great statement. I was pleased to hear the honourable member for Indooroopilly read it out. That statement was one of the most important parts of the Fitzgerald report. On page 126 of that report, Mr Fitzgerald stated—

> "Information is the lynch-pin of the political process. Knowledge is, quite literally, power. If the public is not informed, it cannot take part in the political process with any real effect."

That is a very important quote. When the member for Indooroopilly read the section on secrecy he did not read the final two paragraphs. What Tony Fitzgerald said in those last two paragraphs is the crux of this whole debate. What concerned Tony Fitzgerald about Cabinet secrecy under the previous Government was——

Mr Beanland: These aren't Cabinet documents.

Mr BEATTIE: No, no. Tony Fitzgerald stated the following concerns—

> "The letting of contracts, the issuing of mining tenements and rezoning or other planning approvals are matters that should not generally be subject to the principle of Cabinet secrecy. In the majority of cases, these decisions should be formal and merely give effect to advice. In those cases where the advice is rejected, even for legitimate policy reasons, the decision and the reasons for the decision should ordinarily be disclosed."

He continues—

> "In most cases however, these kinds of administrative decisions should be removed entirely from the Cabinet room, in which case the principle of Cabinet secrecy will not arise at all."

What has the Government done? Each one of those matters is no longer the subject of the Cabinet secrecy exemption.

Fitzgerald's concerns have been satisfied—the issues that he was concerned about remaining secret as part of the Cabinet process are now disclosed under the open tendering process for contracts. The world knows. There is no secrecy. The same applies with the issue of mining tenements and rezonings. We do not have Russell Hinze's rezonings any more. We do not have that sort of secrecy. We do not have the deals involving people who end up in court, like a certain gentleman who is seeking parole at the moment. These matters are not the subject of Cabinet secrecy any more.

What we have in fact done is solve the secrecy concerns that Tony Fitzgerald expressed at pages 126 and 127 of his report. I hope that members of the Opposition read those pages because that is the secrecy that Fitzgerald was on about. This legislation refers to something totally different.

Mr Littleproud interjected.

Mr BEATTIE: The member is not going to interrupt me; I am going to finish this point. Opposition members have to have the facts put to them. None of what we did in respect of this legislation was secret. Let us go back to when the legislation was first introduced. The Attorney-General has been maligned and attacked in this place. Let us see what he said about the legislation, because it reflects what was in the legislation. Through all his public comments, he made it absolutely clear that Cabinet documents were exempt. Let us look at what the reports say. On 15 October 1991, the *Courier-Mail* states—

> "The public will not be able to obtain Cabinet documentation and material concerning business dealings with the Government which is considered confidential."

The Attorney-General made that perfectly clear. There was no secrecy about it. I table that report. The second one, dated 3 December 1991, is also from the *Courier-Mail*. This is what the Attorney-General said back in 1991. There were no surprises. The article states—

> "Exempt information would involve anything affecting other people's privacy, commercial interests of government agencies, information which could constitute contempt of court, and Cabinet and Executive Council papers."

He made it absolutely clear. I table that. The next report is dated 6 December 1991, and it states that exemptions include—

> ". . . Cabinet and Executive Council documents and information affecting . . ."

I table that. An article which appeared in the *Courier-Mail* on 3 July 1992 again referred to the 15 areas that have been exempted from the legislation, including State Cabinet and Executive Council. I table that. An article dated 29 July 1992 again referred to exemptions. This included Cabinet and Executive Council documents and information affecting relations with other Governments. For the information of the House, I table that article as well.

So through all of this, the Attorney-General has made it absolutely clear that Cabinet documentation has been exempt. It was made absolutely clear at the time the initial legislation was introduced, so there is no surprise about any of this.

Mr Littleproud: Just one point—what about retrospectivity?

Mr BEATTIE: I will come to that. The member should not get excited; it is not good for his health. He is flushed and he is not looking very well. Right from the beginning, the position was made very clear. Nowhere in the world was freedom of information legislation designed to allow wild goose chases after Cabinet material, and nor should it be.

Mr Littleproud: Oh, no.

Mr BEATTIE: The Opposition did not introduce such legislation when it was in Government. The member is a hypocrite. He was a Minister in the previous Government. Now the member is in Opposition, he thinks he can say and do anything without any responsibility and no accountability. I am not wearing that.

The fact is that the FOI legislation was never designed to allow wild goose chases after Cabinet material, and the Opposition knows that. There was always going to be limits on that material.

Mr Littleproud: What is your Premier?

Mr BEATTIE: I am coming to that. The member should relax; he does not look well. The freedom of information legislation provides for the accountability of the Executive—it is about the accountability of Cabinet but not the destruction of the Cabinet

or the Executive. This is all about politics; this is not about accountability.

Mr Littleproud interjected.

Mr BEATTIE: The Opposition wants all the dealings of Cabinet so it can try to destroy the Cabinet process. It is about short-term political considerations—nothing else. Freedom of information legislation provides a balance—the need for Cabinet to act in an appropriate way and to act with a degree of confidentiality, but, on the other hand, the freedom of information legislation provides for open discussion and accountability. Ministers need to be in a position when they go into the Cabinet with supporting documents to be involved in robust argument if necessary but, at the end of the day, when Cabinet makes a decision, then that decision is the one that becomes the matter of public record. If we remove the veil around the Cabinet process then, at the end of the day, we destroy that process. That is what the Opposition is about tonight, not about providing freedom of information legislation.

The Opposition has been critical of the legislation, so let us look at how it is working. There was a major report in the *Courier-Mail* on 20 November 1993, which referred to the use of freedom of information in Queensland. It stated—

> "The use of Freedom of Information legislation in Queensland had outstripped other states, according to a report tabled in Parliament yesterday."

That was the freedom of information annual report for 1992-93 tabled by the Attorney-General. It showed that 22 applications a month per 100,000 people were made in Queensland during the first year of FOI. So the people of Queensland were happy with what the FOI legislation provided. The article states further—

> "This compares with fewer than five applications a month per 100,000 people in New South Wales, fewer than 10 applications in Victoria and Tasmania, and just under 15 in South Australia during the same period."

These figures speak for themselves. The article states further—

> "According to the report, the total cost of FOI in Queensland in the year to June 30, was $894,000."

So the Government is putting its money where its mouth is. The article states further—

> "This equates to an average of $252 for each of the 3573 applications completed in the year.
>
> . . .
>
> Complaints about the FOI focused on three main impediments to those wishing to access information. These were: The time taken to process applications and reviews; The application of exemptions to deny access, The cost of lodging and processing of applications.
>
> . . .
>
> The report also stated that Queensland provided the cheapest access to information and had the most liberally applied FOI legislation.
>
> Sixty-five per cent of applications for information were granted in full, 27 per cent were granted in part and access was refused in 8 per cent of applications only.
>
> The top five State Government agencies for FOI applications were the Workers Compensation Board, Queensland Police Service, Brisbane North Regional Health Authority, Corrective Services Commission and the Transport Department."

I do not see Cabinet featuring prominently in that list. So the top five areas where people want information and where this legislation is working well are the Workers Compensation Board, the Queensland Police Service, the Brisbane North Regional Health Authority, the Corrective Services Commission and the Transport Department. That is what the FOI legislation was meant to do. That is how it was supposed to work. It is working and the statistics speak for themselves.

The Opposition is only about cheap, political stunts. Let us come back to the Estimates debate. We heard the honourable Leader of the Opposition give quite an extraordinary performance. I think that as the election gets closer he gets more distressed and a bit more excited. Frankly, his contributions are becoming less rational. If one looks at what the Leader of the Opposition said about the Estimates debates, the situation is very clear. He wanted to get hold of material provided to Ministers to support them in their appearances before the Estimates committees. The reality is——

Mr Littleproud interjected.

Mr BEATTIE: If the member listens, he will find what I am about to say very relevant and he will be edified and educated and be much better off. The legal position is that,

under the existing law before these amendments are passed, the Leader of the Opposition is not entitled to get and will not get those supporting documents for the Estimates. The law does not allow it. So at the end of the day, these provisions are not taking away anything that the Leader of the Opposition does not have currently. If he wants the Estimates committee process to work, he should turn up and perform at the Estimates committee hearings. He should get Opposition members to turn up and perform at the Estimates committees hearings and if he wants to get the briefing notes for Ministers who appear before the Estimates committees, he should win Government and become a Minister and then he will get an opportunity to have a look at them. The reality is that that is as likely as my jogging to Cape York and back tomorrow, and I do not intend to do that.

The reality is that this legislation does not affect his attempts—his political stunt—to get hold of the Estimates briefing notes for Ministers. The convention of Cabinet solidarity is important. It is in the public interest and is essential to the efficient workings of Government that the Government has the ability to deal with certain matters confidentially in Cabinet.

I am well known in this place as a supporter of the re-establishment of Parliament as an important check and balance on the operations of the Executive. I believe in the importance of and the more effective running of Parliament, which is why I spoke so enthusiastically yesterday in favour of the new format for question time. However, the re-establishment of the importance of this Parliament does not and should not mean the destruction of the effective operation of Cabinet, because if we do that, at the end of the day effective Government in this State will be eroded, and that is not in the interests of the people of Queensland.

The Westminster system provides a very clear convention for Cabinet solidarity and the confidentiality of Cabinet discussions. In the witness box at the Fitzgerald inquiry, Sir Joh demonstrated that he did not know what the Westminster system was all about. However, we do know. If we are going to make the Government and the institution of Parliament work effectively, we need to understand that a fine line must be drawn.

I now want to turn to the legislation, because the honourable the Leader of the Opposition misrepresented the meaning of the provisions. Clause 3 replaces sections 36 and 37. It relates to the exemption of Cabinet matter and how the provisions will operate. Proposed new section 36(1) states—

> "Matter is exempt matter if—
>
> (c) it was prepared for briefing, or the use of, a Minister or chief executive in relation to a matter—
>
> (i) submitted to Cabinet; or
>
> (ii) that is proposed, or has at any time been proposed, to be submitted to Cabinet by a Minister."

The honourable member for Surfers Paradise made great play about the word "proposed" as if it meant unlimited restrictions on what information the freedom of information legislation would provide. Again, he told only half the story. He said, "Proposed? Proposed by who?" as if anybody could propose it. But he did not go on to read the rest of the clause, which states—

> ". . . proposed, or has at any time been proposed, to be submitted to Cabinet by a Minister."

It is very clear who it has to be proposed by. It relates to a Cabinet meeting. It relates to a matter submitted to Cabinet. Clearly, it is restrictive. It is not broad and unlimited. It does not have the wide effect or ramifications that the honourable member tried to suggest it would have. It is a dishonest argument to suggest that that is the case.

I move on to the issue of the chief executive, about which the Leader of the Opposition and the honourable member for Indooroopilly made great play. What does the Bill say about the chief executive? It states—

> "(b) it was prepared for briefing, or the use of, a Minister or chief executive in relation to a matter"—

and this is where it is restrictive—

> "(i) submitted to Cabinet; or
>
> (ii) that is proposed, or has . . . been proposed to be submitted to Cabinet."

So we are only talking about matters involving the chief executive going before Cabinet or proposed to go to Cabinet. Everyone knows that the chief executive is a crucial person in preparing material to go to Cabinet. Quite clearly, it would be a loophole in this legislation if Cabinet confidentiality could be circumvented by getting all of the material that the chief executive had access to. It is a nonsense to try to argue, as the honourable the Leader of the Opposition did, that by including the chief executive we are in some way broadening in an unlimited way the

meaning of this legislation. What we are doing is providing completeness to the important principles that I referred to before of Cabinet solidarity and confidentiality. To suggest otherwise clearly indicates a lack of understanding of what the legislation provides.

Earlier, there were some excited interjections about the word "consideration". The Bill states—

" 'consideration' includes—

(a) discussion, deliberation, noting . . . or decision; and

(b) consideration for any purpose, including, for example for information or to make a decision."

Again, that is fairly clear. It is a limited interpretation, and would be seen so by the courts.

I had hoped that in all these matters we would get a much more sensible debate than we have had. The freedom of information legislation is vitally important. I have made contributions to the debates when previous Bills have come before the House, because this legislation has given people in this State rights that they never had before. People never had these rights under National/Liberal Party Governments. It took this Attorney-General and this Government to introduce them.

Mr Cooper interjected.

Mr BEATTIE: The honourable member will be able to get the information that I referred to before—information that the people of Queensland want.

Mr Cooper interjected.

Mr BEATTIE: The honourable member should look at what the people of Queensland want. They want information on workers' compensation, the Queensland Police Service, regional health, Corrective Services and the Transport Department.

Mr Cooper: I've tried that.

Mr BEATTIE: That is what the applications have sought, and that is what people are getting.

Mr Cooper: That's a joke.

Mr BEATTIE: Honourable members opposite want political stunts, but they will not get them. There is nowhere in the world where freedom of information legislation operates like that.

Mr Cooper: Gate's closed.

Mr BEATTIE: By the way, are honourable members opposite going to give a firm commitment to keep FOI when they achieve Government? In 100 years' time, when members opposite are in Government, will they keep it? Will they make a commitment that they will keep it? No, they will abolish the legislation. Of course they will. They have never supported it. Since we have been in Government, all they have tried to do is discredit it. Members opposite want it to malfunction so that it will be discredited. That is all members opposite want.

As to why the Premier is not here—he does not have to be here. The Attorney-General is the responsible Minister. It is his responsibility to carry the Bill through. If he were not here and another Minister such as the Premier was, Opposition members would be asking, "Where's the Attorney-General?" They want it both ways. The Attorney-General is the relevant Minister, and he can more than capably handle members opposite. I would not be terribly worried about that. Freedom of information legislation has been one of the major reforms of this Government. It has proved to be successful and will continue to be successful.

Time expired.

Mr LINGARD (Beaudesert—Deputy Leader of the Opposition) (9.36 p.m.): Once again, this Government tries to make a great play on the word "accountability". Everyone knows that this Government rode into power on the back of the white horse of accountability. It was only because of that that it did get into power.

We heard the member for Brisbane Central trying to make a great play about the tendering process. I remind the member about the tendering process for the operator/manager of the Brisbane Exhibition and Convention Centre. What a farce that was! Twenty-seven submissions were received by the Department of Administrative Services. It cut the number back to seven operators. From those seven operators, it finally narrowed it down to two operators. A great quality survey! The department reported all of the details of its selection process to the Parliamentary Committee of Public Works. It told the committee about how it came to consider the Brisbane Expo Centre and Convex. Only now do we realise that both of those companies are virtually owned by the same group. The IFC, the Brisbane Expo Centre, the Queensland Leisure Group, the Bullets and the Broncos are all part of the one group.

The Government went through the sham of receiving 27 nominations for the Brisbane

Exhibition and Convention Centre operators, cutting it down to seven and then to two, and then deciding which of those two, when in effect those two operators represented exactly the same company. I asked the Minister for Administrative Services what other involvement IFC had in Queensland. We knew about the leisure centre and the Cairns Convention Centre. The Minister blatantly told me that, as far as the Government was concerned, IFC had absolutely nothing else to do with it. Yet, in regard to the Brisbane Cricket Ground, the IFC is right up to its neck with this Government.

When the new board was set up at the Brisbane Cricket Ground, a meeting was held on 17 June. At that meeting the decision of the previous board was rescinded and IFC were appointed master planners of the Brisbane Cricket Ground. As part of the redevelopment, we have seen the sham of the Deens going in there last Thursday and knocking over the grandstand, simply so that the Treasurer can have his grandstand built by September, which he believed would be during an election period.

The Government and IFC are involved in payments of $75,000 and $6,000, and no recommendations were made in regard to the State Purchasing Policy. It is a complete sham! Yet the member for Brisbane Central says that, under this new accountable Government, there are no problems with the tendering process. Of course there was no problem in deciding between two companies that were virtually run by exactly the same group! They even had common shareholders. It was an absolute farce—a farce that I believe is being perpetuated. The Government is preventing us from finding out a lot of details about such things as the cost overrun at the Brisbane Exhibition and Convention Centre.

Why will the Minister not allow us to look into matters such as the tendering process involving the company that was selected to provide the crockery to the Brisbane Exhibition and Convention Centre? A company named Convex was selected to draw up all the tendering processes and all the specifications relating to tenders for the centre. Australian Fine China, which provides the crockery to all of the Parliaments of Australia, had wonderful recommendations. When that company tendered for the crockery supply contract, it discovered that there were very tight specifications—exact, absolutely minute details—relating to the size of the crockery and the temperature that the crockery had to withstand, which was specified to be 1400 degrees. That specification fitted exactly the products offered by a German company named Bauscher—right down to the exact design and the exact temperature-resistance capacity of the crockery supplied by that company. As a result of Bauscher being awarded the contract for providing crockery to the centre, we find that people are travelling overseas at the expense of that company. It is amazing that that company met exactly the specifications, with Australian Fine China not complying to the size requirements by only 2 millimetres. I challenge Government members to maintain that the tendering process is aboveboard.

The Department of Administrative Services hides behind the pretence that it is not the problem; the problem lies with Convex, the operator/manager, because Convex wrote the specifications—specifications which fitted exactly the products offered by Bauscher, the German company which provided trips around the world for the people who chose its product. That company will provide crockery at $85,000 above the tender submitted by Australian Fine China. The tender by Bauscher was $331,259 as compared with the Australian company's tender of $233,063.

The convention centre also requires blast chillers and ovens. Once again the operator/manager, Convex, wrote up the design necessary for the blast chillers and for the ovens. One of the specifications was that the successful company must show that it had provided those sorts of products in Australia. The tender by a Sydney company was rejected, but what do we find? The specifications of the tender once again matched exactly the products offered by Bauscher, the German company. So Bauscher was selected once again, simply because it conformed exactly to the specifications of the operator/manager, which this Government appointed after reducing the number of nominees from 27 to seven and after a final selection process between two nominees which were in effect subsidiaries of the same company. And so it goes on.

Information reveals that the tablecloths for the centre are to be supplied by a French company which was awarded the tender under exactly the same sort of process. Why can we not ask the Government——

Mr Littleproud: Peter Beattie said we should be able to. He said the tender process would be open. Peter Beattie assured us of that.

Mr LINGARD: But we cannot get the details relating to the tablecloths, nor those

relating to the alleged 500 bookings for the centre. We tried to discover whether those 500 bookings are legitimate or merely a sham. We sought that information under FOI, but once again our application was rejected completely. The Opposition also cannot obtain any verification of the cost of the convention centre, which is now supposedly $203m—up from an original $140m, which increased to $170m and then to the current $203m. We cannot find out whether Bauscher was the best company to provide the kilns and the crockery. We cannot have the details of the French company that will provide the tablecloths, nor can we have the details of the alleged 500 bookings for the centre.

This is a similar scenario to the draft Parliamentary Committees Bill. The member for Brisbane Central and other members have referred to the recommendations of Fitzgerald, EARC and PEARC. The Fitzgerald inquiry made many recommendations about the role of the committees in this Parliament, as did EARC and PEARC. However, this Government has gone against those recommendations. The Minister has chosen to ignore PEARC's Queensland Parliament Bill and instead has brought forward the Parliamentary Committees Bill.

Mr J. H. Sullivan: No, he hasn't.

Mr LINGARD: The draft Bill has been presented to PEARC. It does not sit in this Parliament but with PEARC.

Mr J. H. Sullivan: This Minister hasn't brought forward the Bill. You're stupid.

Mr LINGARD: Regardless of which Minister brought forward that legislation, let us examine its contents.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The Chair finds the term used by the honourable member for Caboolture to be unparliamentary and asks him to withdraw.

Mr J. H. SULLIVAN: I offer an absolute withdrawal.

Mr LINGARD: I believe that the draft Parliamentary Committees Bill will have the same effect as the legislation currently before the House. The draft Bill states that the Legislative Assembly may authorise a statutory committee to call for persons, documents and things. In other words, the Bill is saying that Parliament itself will decide who is brought before the committees and which committees will do what. From now on, it will not be the committees' role to make those decisions; it will be the role of this Parliament. That was never intended to be the role of the committees as proposed by Fitzgerald, EARC and PEARC.

In effect, the power of committees to generate their own inquiries by calling for witnesses and documents has been subordinated by a requirement that the Legislative Assembly must authorise such action, substantially undermining the independence and powers of committees and leaving the door open for political inference in potentially politically damaging committee investigations. That is exactly what the Minister is doing this evening with the FOI amending legislation. Once again, we see the power of the Parliament overriding everything else—even committees set up to investigate or scrutinise its own operations.

The draft Parliamentary Committees Bill represented a major departure from EARC and PEARC recommendations and from the established model of Federal parliamentary committee powers. Under the draft Bill, witnesses are not required to answer questions put to them or produce documents on the grounds of self-incrimination. That was never the intention of the recommendations made by Fitzgerald, EARC or PEARC, but that is what this Government intends to do.

The Government's proposed Bill will also exempt works of Government owned corporations from scrutiny by the Public Works Committee. The Government will say that the Public Works Committee is responsible for investigating only those works of a GOC referred to it by the Legislative Assembly. The draft Bill is going against the recommendations of Fitzgerald, EARC and PEARC. The proposed legislation contains a significant exemption which would exclude major GOC infrastructure works—that is, railways, dams and electricity infrastructure—from investigation by the Parliament. The legislation currently before the House will have exactly the same effect in relation to Cabinet material. The Government's proposal puts GOCs in a unique position in terms of public accountability and is in line with its GOC legislation, which takes funding for those bodies off Budget.

I turn to the appointment of the Electoral Commissioner. PEARC outlined a pivotal and clearly defined parliamentary consultative process spearheaded by the proposed Legal and Constitutional Committee. PEARC recommended that the appointment of the Electoral Commissioner must be a unanimous or a majority decision, including at least one Government member. In contrast, the Government's draft Parliamentary Committees

Bill circumvents PEARC's recommendation that the Legal and Constitutional Committee should review applicants and make a recommendation to the Minister. This responsibility has been reduced substantially and the Minister is required only to consult with the committee about the selection and appointment process.

The appointment of an electoral commissioner is just as important as the appointment of a CJC chairman, yet the process is nowhere near as consultative or well defined. So, under the proposed Bill presented to PEARC we now find that the Minister has absolute control over the appointment of an electoral commissioner. PEARC did not recommend that; EARC did not recommend that. PEARC said that there should be an absolute decision, but now the Minister can go in and make his own decision.

Last night, I spoke about the Auditor-General. Fitzgerald always recommended that there be a performance-based Auditor-General. That has never been accepted by this Government. It still has an Auditor-General who checks only invoices and statements. There is no check on the performance of a department, whether it be good or bad. There is no report by the Auditor-General to this Parliament so that performance can be reviewed. No, that is completely shut down by this Government. Once again, tonight we see a process where the Government completely shuts down any scrutiny of its workings.

I refer to committee powers. PEARC recommended a more comprehensive system of seven parliamentary committees. Under the draft Bill, that has been cut out. PEARC recommended that the Scrutiny of Legislation Committee be responsible for dealing with—

> ". . . the operations of the Office of Queensland Parliamentary Counsel; and the standard of explanatory memoranda, in both particular cases and generally . . ."

In other words, PEARC recommended that the Scrutiny of Legislation Committee be responsible for that. What has the draft done? It has cut that out completely.

This is the Government that rode to power on the back of the white horse of accountability. This is the Government that continually refers back to Fitzgerald, EARC and PEARC. These important aspects of EARC and PEARC recommendations have been erased from the Government's draft Parliamentary Committees Bill 1995.

All of the other issues about the FOI legislation have been mentioned by previous speakers. They have mentioned the Mount Isa experiences and what the Opposition believes to be the difficulties with the FOI legislation. I believe I have mentioned other examples of what this Government is doing to lessen the powers of both the Opposition and the people of Queensland to scrutinise the Queensland Government.

Mr J. H. SULLIVAN (Caboolture) (9.53 p.m.): Mr Deputy Speaker, forgive me for being somewhat tardy in rising to my feet. I must admit that I was engrossed in the edition of Erskine May which I was able to borrow from the Table in order to rebut some of the rubbish that the previous member raised in respect of a matter that is not under debate today, that is, a Bill that has not even come before this Parliament but of which he appears to have received a very early draft. Mr Deputy Speaker, suffice it to say that I am not going to debate that Bill with him because I feel sure that that would test your patience just a little too much.

However, the member should be aware of at least one thing in relation to his claim that the power to send for persons, papers and things has not been given to committees. Should the member care to refer to the learned work of Erskine May, he would find that that is not an automatic power for committees at all. That power, under procedures, is one that is normally given to a committee in its resolution of appointment or by resolution of the House. which is the very worst interpretation that could be put on the Bill that the member claims to have and that at one stage he actually claimed that the Minister had introduced in the House. So, in effect, by that particular aspect of his contribution the member shows that he really does not know what he is talking about.

I turn to the matter at hand. Today, we are debating the Freedom of Information Amendment Bill, which simply and solely gives effect to an established convention, that is, the convention of secrecy of Cabinet documents. We have to ask ourselves why it is necessary for us to debate this. The member for Indooroopilly talked about earlier flawed legislation. Maybe it is not so much the legislation that is flawed, maybe it is the ethics of the members opposite in dealing with a particular piece of legislation.

Quite clearly, from the evidence that has been presented in the debate before the Parliament this evening, they believe that this legislation will prevent them from getting their

hands on some documents that were prepared for last year's Estimates Committees. Although they have mischievously canvassed a wide range of issues, not only in this debate but in an earlier debate in this place this evening, clearly they believe that the purpose of this legislation is to prevent them from getting their hands on those documents. I must say that under the existing legislation they are bound to fail, but they are seeking to use what might be a specific interpretation of the law to overcome what are well-founded, well-based and longstanding conventions. As I said, if they look at the legislation which they are trying to use, they will surely find out that they are bound to fail.

I have with me in the Chamber a book by the well respected Australian author Gough Whitlam titled *The Truth of the Matter*, in which appears the following—

> "If a Parliament becomes unworkable by destruction of convention, democracy itself becomes unworkable, because democracy rests much more on adherence to convention than to the rigid application of rules and laws."

In other words, in this country democracy is stated as having a lot more to do with the conventions than the written law—the written law that members opposite are trying to twist and turn to their own advantage so that they can get some documentation that they quite clearly should not have. Lest anybody wishes to accuse me of bringing the views of a dreaded socialist into this debate, let me say that the author of those works was Malcolm Fraser, who spoke them on 2 March 1975.

We have to ask ourselves whether these papers are covered by this convention? Clearly, they are. Members should not take my word for it. I will quote again, this time from a book titled *Ministerial Responsibility*—something that generations of National Party and Liberal Party Ministers in this State have clearly never read. They never had any interest in ministerial responsibility, just the dollars that go with it, the comfortable chairs and, in some instances, the Hilton Hotel rooms around the world. That book states—

> "The papers of the Cabinet and its Ministerial Committees are clearly in a class of their own. They are the apex of government decision-taking and by definition contain the personal views of Ministers. The convention applies to them without exception."

It goes on to say—

> "Furthermore . . . the advice tendered to them by officials is also not disclosed . . ."

Where do honourable members think that the documents prepared for Ministers for the Estimates Committees, which the Opposition so clearly wants to acquire, have come from? They have come from the advice tendered by officials for the Ministers. They are clearly covered by the convention and exemption from freedom of information. As I said, this Bill just gives legislative effect to the convention because the folks on the other side of the House seem so hell-bent on destroying the conventions by which government operates. They lecture Government members about ethics and the Westminster system, but they do not have a clue about the first thing——

Mr FitzGerald: The Westminster system has gone west, all right.

Mr J. H. SULLIVAN: The Westminster system has come home to Queensland. It was gone for 32 years, during which the honourable member was a player in Government. I must say, he was a bit player but he was a player. In the past five years, the honourable member and I have had a number of conversations. I know that he understands and supports the conventions. I know that, deep in his heart, he is not in favour of the attack on the freedom of information legislation by members of his party. With a little luck, we may hear from the honourable member on the topic. I am sure that will be most informative and enjoyable. I know that, beneath all that bluster and bravado, Mr FitzGerald truly does know the truth of the matter. He will go home this evening and be ashamed about his participation in the debate.

Mr FitzGerald: Stick around and see.

Mr J. H. SULLIVAN: I intend to go nowhere because I will use this to damn him later on. In future months, I will spend some time in the library photocopying speeches from *Hansard* to see what he said. In case honourable members should think that the views that I expressed earlier about the advice tendered to officials also not being disclosed under the convention is another socialist plot to deny the conservative members of Parliament access to information, I point out that those are the words of an Englishman by the name of Lord Hunt of Tanworth. That is another view that does not come from the dreaded socialists. Lord Hunt of Tanworth is on our side.

I turn to a rather scholarly tome, which most lawyers in this State would recognise,

although I am sure that no former Minister of a National Party or Liberal Party Government would have ever seen, that is, a volume titled *Cross on Evidence*. It is fairly much the bible in interpreting law. In that book, another lord, Lord Reid, referred to the matter that we are debating. In Conway v. Rimmer, Lord Reid said—

> "I do not doubt that there are certain classes of documents which ought not to be revealed whatever their content may be. Virtually everyone agrees that Cabinet minutes and the like ought not to be disclosed until such time as they are only of historical interest. . . . To my mind the most important reason is that such disclosure would create or fan ill-informed or captious public or political criticism. The business of government is difficult enough as it is, and no government could contemplate with equanimity the inner workings of the government machine being exposed to the gaze of those ready to criticise without adequate knowledge of the background and perhaps with some axe to grind."

Lord Reid had Opposition members pegged. He knew what they are on about. That is what they are trying to do today or what they would try to do in the future. Let us be very clear that, despite a number of other issues having been mischievously canvassed both in past debates and during the debate, what Opposition members are trying to achieve is to obtain those documents that went to Cabinet in respect of the Estimates process last year.

If those documents were to be declared to be available to Opposition members, what sort of an Estimates process would we have after the Budget comes down this year? Nobody would prepare any documentation for Opposition members to acquire, and the Estimates process would be less useful. The way in which Opposition members used the Estimates process this year was somewhat less than useful. In this State, the process is in its infancy. Although it is not perfect, it will provide for better Government and better access to information than was available in the past.

One of the previous speakers in the debate said that the documents were prepared and that the Ministers were prepared to answer questions on them. So it is. During my five years in this Parliament, I have never heard a Minister respond to a question in this place from an Opposition member with the answer, "I cannot give you an answer on that. The matter is being considered by Cabinet." Of course, Opposition members are entitled to ask for information on matters that are being considered by Cabinet, and the Minister is obliged to give an answer. He is obliged to give an answer, but he is not obliged at any time to table the Cabinet documents simply because Opposition members asked a question. They are not entitled to the Cabinet documents. They are entitled to an answer—nothing more, but certainly nothing less than an answer.

The member for Indooroopilly said that the Bill goes beyond the issue of Cabinet confidentiality. Clearly, it does not. It deals with nothing more than Cabinet confidentiality. It is a declaratory Bill. In effect, the Bill declares that the words "for consideration" always mean "for consideration". Opposition members are chasing their tails. They are trying to get a definition of "consideration" that states that there are two classes of Cabinet documents—one class that is subject to the convention and a second class that is not subject to the convention and therefore available to them under freedom of information. That is not true. That has never been true. As my friend Mr Beattie, the member for Brisbane Central, and my other friend Mr Welford, the member for Everton, said in the debate, that is not true; it has never been true; and it has never been considered as the convention. The convention is that those documents are not available for their grubby little eyes.

Mr FitzGerald: I find that offensive; come on.

Mr J. H. SULLIVAN: It is no more offensive than the "grubby, shameful Attorney-General" comments that we heard earlier.

Mr Borbidge, the member for Surfers Paradise, said that the Opposition is acting within the law. He is trying to act within the law. As it stands, the law will not allow him to succeed on the path that he has taken. Anybody who reads the law as it stands will see that it is quite clear that he cannot succeed. Today, the Government is making a declaratory statement about that, saying: "This is what it is and this is how it always has been."

Earlier, Mr FitzGerald wondered who might have deemed certain documents to be Cabinet documents. Lest he wants to run that line again in his contribution to the debate, which I understand is coming up, I refer him very quickly to the words of the member for Brisbane Central, when he said, "These are

deemed to be Cabinet documents by the Minister". That is quite clear in the legislation. The definition that is being argued about is that of "considered by Cabinet". Those are the words that are used to indicate that certain material is excluded. The words "considered by Cabinet" make it quite clear that documents presented to Cabinet are excluded from FOI.

Opposition members are making much ado about nothing. The Bill makes a minor amendment to the Act. It is a declaratory amendment to the Act. From time to time, in this Parliament, what we call declaratory legislation is introduced. A Bill will provide, "For the purposes of section 27, it is declared that . . . and has always done so." These provisions are not unusual in legislation. Nobody has ever indicated that they felt that one attempt at a piece of legislation was all that it took. If that were the case, no amending Bills would need to be passed. Amending Bills are a feature not just of this Government and previous Governments but of all Parliaments throughout the world.

At times, advancing technology or contrary interpretation require things to be——

Mr FitzGerald: You call it validation, don't you?

Mr J. H. SULLIVAN: There is validation, if the honourable member likes.

Mr FitzGerald: The Minister calls it retrospective.

Mr J. H. SULLIVAN: There is no retrospectivity.

Mr FitzGerald: The Minister says it is retrospective legislation; come off it. It's in the Green Paper.

Mr J. H. SULLIVAN: The Minister is obviously keen to give honourable members opposite a word that they can understand; but, in reality, there is no retrospectivity in this Bill.

Mr Wells: Who said "declaratory"?

Mr J. H. SULLIVAN: I have said "declaratory" five times. By the form of words that it uses, this legislation does nothing more than declare that this has always been the intention of the legislation. Mr FitzGerald knows that has always been the intention; yet, very shortly, he is going to rise in his place and give a speech stating the contrary. When he goes home this evening, I trust that he can sleep comfortably because, if I had a conscience like the one he will have tonight, I would not be able to sleep.

I support the Bill. It is a reasonable piece of legislation. Any person who has any love for the Westminster system under which we operate in this place and in other parts of Australia would be only too happy with this piece of legislation. It is clear that members opposite have political motivations to oppose this Bill, rather than motivations based on the facts. For that reason those members should not prevail, and, thankfully, they will not prevail.

Mr GILMORE (Tablelands) (10.11 p.m.): In rising to speak to this Freedom of Information Amendment Bill, I will help the member for Caboolture understand what he has just said in this House. In his second-reading speech, the Minister stated—

> "The Bill applies retrospectively. I make no apology for that.
>
> . . .
>
> The Bill is retrospective because it gives effect to the intent that this Parliament always had."

The Minister uses "retrospective" a number of times in his second-reading speech, and I would have thought that was fairly plain English.

This is a night of some infamy in this Parliament. This is the night that we receive freedom from information, because this legislation is now so tightly bound that the likelihood of members of Parliament or anybody else in this State having access to information through this legislation is very poor indeed.

I was disappointed to have to listen to the member for Brisbane Central allow himself to be dreadfully compromised by being forced by this Government to play his role in this place to try to justify what is happening tonight. He said something interesting. He said that when members on this side of the House were in Government we did not have FOI, we did not have this legislation, and, therefore, that was justification for the Government to take the insides out of the legislation that it had introduced with such fanfare a short time ago. When speaking in the debate on the original legislation, Mr Beattie spoke with high moral rectitude. He spoke of high ideals, and he spoke with great rhetoric about openness and accountability in Government. He spoke about all of those things that we had supposedly denied the people.

A few moments ago, I read some of the words I used during the debate on the original legislation. It is interesting to note that, as a member of Parliament, I had never been

denied access to information, and nor had my constituency. In fact, on many occasions, without charge and without any fanfare or hoo-ha, I had taken my constituents to any number of Government departments, sat them down, had the whole file put in front of them and said, "Go through it." That happened on many occasions. There is no need for FOI.

Mr Bredhauer: What a lot of rubbish. What about all the teachers who were denied access to their files?

Mr GILMORE: Oh, shut up! I was never denied access to information, but now I have no access to information because of this legislation, which has now wound this place up into such a tight ball that information is no longer available to it. A few moments ago, the member for Brisbane Central sought to mislead this Parliament in respect of his interpretation of what the legislation says. He said that this legislation was not absolute in its application; that it just tied up a few little points about access to Cabinet documents. He went on to quote from the legislation. He quoted at some length, but very selectively indeed. He did not say that a matter is exempt if it has been submitted to Cabinet or was prepared for submission to Cabinet and is proposed, or has at any time been proposed, by a Minister to be submitted to Cabinet, or if it was prepared for briefing or for the use of a Minister or chief executive in relation to a matter that might be submitted to Cabinet or is proposed or at any time has been proposed to be submitted to Cabinet.

The reason that members are in this Parliament tonight does not relate to documents that were prepared to be submitted to Cabinet; they never were, and anybody who has stood in this Parliament tonight and said that they were has sought to mislead this Parliament. That is the sort of action we have come to expect from that group of people on the other side of the House who care nothing for the Westminster traditions of this place, even though they stand up and belly-ache——

A Government member interjected.

Mr GILMORE: I have not started on the honourable member yet, so he should not wear that silly grin.

Mr Wells: What would you know about Westminster traditions?

Mr GILMORE: Does the Minister seek to denigrate my place in this Parliament? He is a grub.

Mr Wells: You did nothing but violate them throughout your 32 years in Government.

Mr GILMORE: Does he seek to denigrate my place here?

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The Chair considers to be unparliamentary the term used by the honourable member for Tablelands and requests that it be withdrawn.

Mr GILMORE: I withdraw with pleasure. As I was saying, the documents that we sought—which are the reason that members are in this place tonight and why this Government is going to quite extraordinary lengths to ensure that they are made unavailable to us—were the subject of freedom of information actions taken by members of Parliament on this side of the House as a result of a Budget Estimates committee. We asked for those documents because, under the legislation, we were entitled to them. I have no doubt about that, and I have no doubt that this legislation was brought into this Parliament tonight with unreasonable haste because it appeared that the Information Commissioner was about to come down on the side of the angels, and the Government has now rushed off to bury us all under a heap of paper and lock up some information which, coincidentally, is already very much in the hands of the Opposition. The documents in my hand were provided to me by the honourable the Minister as answers to questions on notice during an Estimates committee hearing. The information from which they were drafted is now denied me. Does that mean that the Government is trying to cover up the veracity of these documents? Is it trying to prove that they are untrue? Is it demonstrating that these documents were not prepared from verifiable information?

Mr Wells: No. You're asking very easy questions.

Mr GILMORE: It will be too hard for the Minister, and that is a fact. Because it came to my notice and the notice of others that the documents that were prepared for the Minister's briefing at the Estimates Committee hearing were not, and had not been, subject to scrutiny of the Cabinet, were not prepared for scrutiny of the Cabinet and were, therefore, validly and legitimately available under FOI, we applied for them. On 14 July, I wrote to Ann Cottrell, Administrative Law Coordinator in the Department of Minerals and Energy. That very brief letter stated—

"Dear Madam,

Under the Provisions of the Freedom of Information Act, I hereby seek access to all of the briefing notes and supplementary documentation compiled for the use of the Minister for Minerals and Energy and Departmental Officers during the hearings of Budget Estimates Committee E, of the Queensland Parliament.

I enclose the Statutory $30.00 . . ."

It looks like I have done my dough, because this Government has chosen to legislate to take it away from me quite improperly. I ask the Minister to send it back, but I would bet he is not game to do that.

Mr Beanland: Do you want your money back?

Mr GILMORE: Yes, I do, because I have been dudded by the Attorney-General in this House, so has the member for Lockyer, so has the member for Western Downs, and so has every other member of the Opposition. I suppose the letter will be exempt under FOI, will it?

I later received a letter from the lady and she identified some 900 documents that had been prepared for the Minister and his staff for briefings for that committee. Out of that I think 15 documents were made available to me, and I declined the offer. At 50 cents a sheet, I thought I might as well go the whole hog.

Mr J. H. Sullivan: So you weren't serious about it?

Mr GILMORE: I am serious, all right.

Mr J. H. Sullivan: No, you weren't; you declined it.

Mr GILMORE: The member should go away. So the saga went on. Miss Cottrell wrote to me a little later on 22 August. The letter stated—

"I am in receipt of your application dated 15 August requesting an internal review of my decision not to grant you access to certain documents held by this Department."

Miss Cottrell was kind enough to tell me how I might go about getting an application for a review of her decision, which I did. I requested an internal review under the Freedom of Information Act to Mr Breslin. He outlined the reasons why I was not able to get access to the information. In the first instance, he gave very similar answers to Miss Cottrell—because the matter had been subject to the scrutiny of the Cabinet; it had been prepared and delivered to the Cabinet room. I then received another letter—an interesting one—a statutory declaration signed by Mr P. J. Stanley. I will read it to the Parliament. It states—

"I, Peter John Stanley, Cabinet Officer, Cabinet Secretariat, 100 George Street in the State of Queensland, do solemnly and sincerely declare that, on Friday 15 July 1994, I supervised the preparation, for transport to Mt. Isa, of documents which were prepared by Departments for the purpose of briefing their respective Ministers during the June 1994 Parliamentary Estimates Committee Hearings.

The documents formed part of a submission which appeared on the Cabinet Business List for July 18, 1994.

On Monday 18 July 1994, I placed the documents in the Mt. Isa City Council Chambers which were being used as the Cabinet room on that day, and I removed them after the Cabinet meeting had finished. I am aware that a Cabinet meeting took place in the room.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867-1981."

I contend that P. Stanley was very careful about what he put in that statutory declaration, and I do not blame him a bit. He said that he prepared the documents for transport to Mount Isa. He obviously put them in some kind of box. He placed them in the room.

Mr Beanland: He got to the city.

Mr GILMORE: Yes, he got to the city. At some time or another they were in the same room as the Cabinet. They were in the same State, too, but they might just as well have been in Darwin because they were never taken out of the box. Not for one moment were they taken out of the box.

Mr Wells: How do you know that?

Mr GILMORE: Does the Attorney-General deny it? The Minister should tell me: were they taken out of box or not? Did he ever have them on his desk and did he consider them leaf by leaf, sheet by sheet? Did he do that? Of course he did not do that. They were never taken out of the box. Because they were not taken out of box, they were never considered by Cabinet. They were never scrutinised by Cabinet so, therefore, this whole thing is a sham. This whole exercise is a sham. It is trying to deny the Opposition

parties in this Parliament legitimate access to documents which were available under the freedom of information exercise. So what has happened? The Attorney-General should give me a statutory declaration to tell me whether they were taken out of box. I bet he will not do that. No, that is exempt under FOI. The Minister is as weak as water.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The House will come to order. The Chair has been very tolerant with the honourable member for Tablelands. Any future interjections or persistent interjections will be treated according to the Standing Orders.

Mr GILMORE: Tonight, Opposition members have put together a very cogent argument as to why this freedom of information amending legislation is a farce, why it is being done for no better reason than to usurp our rights under the terms of the legislation—our application to the Information Commissioner. It is our considered view that that commissioner was about to rule in our favour. It is our view that the Minister, who last night slunk into this Chamber, was so ashamed of himself that he could not look across this side of the House. He crept into the House, stood up and read the document. He mumbled in his beard.

Mr Wells: I did not.

Mr GILMORE: Yes, the Minister did. When he finished, he slunk out of the House. He was not game to look across to the Opposition because he was ashamed of what he was doing. All the rhetoric——

Mr Stoneman: I don't know that you're right. That man has no shame.

Mr GILMORE: The honourable member for Burdekin might just be right. Volumes have been said in this Parliament by the Honourable the Minister. He has said with great conviction how this was one of the great reforms that he was going to bring to this place. So what did he do? He brought in the legislation, but then he amended it because some sneaky person got some information. Lo and behold, the legislation was not good enough because the Opposition discovered—in the Minister's words—that there were loopholes in it. The Opposition did not discover that there were loopholes in it, it simply spent its $30 with the expectation that the laws of this land would be upheld. So the Minister sneaks in here, introduces the retrospective amendment, and 24 hours later he demands that we debate it.

Mr Littleproud: And took us down $30 as well.

Mr GILMORE: And took us down for 30 bucks at the same time. The Minister does not even uphold the convention of the Standing Orders of this place that a piece of legislation will lie on the table for seven days. What is the reason for the rush? The Minister has to be covering up something. Does he have some corrupt mates? Is there somebody out there who has done something that might have been mentioned by the honourable member for Beaudesert? Is there somebody corrupt out there for whom the Minister is covering up?

Mr Wells: Not that I know.

Mr GILMORE: The Minister is certainly doing a good job, because from now on any fleabag that the Minister wants to cover up can be protected just by his saying,"No, that is a Cabinet document." Minister, have not we heard that story before somewhere? Let me tell the Minister that he is riding for a fall. This is a night of infamy and shame in this Parliament. Those members who stood up and so proudly quoted their commitment to the Westminster traditions of this Parliament should not sleep very well tonight because they have shown themselves as being the greatest hypocrites of all time.

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (10.28 p.m.)**:** Mr Deputy Speaker——

Mr FITZGERALD (Lockyer) (10.28 p.m.): Mr Deputy Speaker——

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The Minister has the call.

Mr FITZGERALD: I move—

> "That the member for Lockyer be heard."

Mr BEANLAND (Indooroopilly) (10.29 p.m.): I second that motion.

Question—That the member for Lockyer be heard—put; and the House divided—

AYES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

NOES, 46—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Budd, Livingstone

Resolved in the **negative**.

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (10.35 p.m.), in reply: We have just heard a mob of shonks bleating about principle and freedom of information. Members opposite are a mob of shonks who spent 32 years in Government trying to keep everything as secretive as possible and trying to prevent the people of Queensland from having access to their birthright, that is, the information on the basis of which they were being governed.

Members opposite are a mob of shonks, a mob of hypocrites, a mob of sneering, superficial individuals who wanted to support freedom of information on the day they got into Opposition. The members opposite had a road-to-Damascus experience. As soon as they went out of Government they suddenly saw the light and were converted. What they need to know is that Cabinet confidentiality is a cornerstone of the Westminster system. Without Cabinet confidentiality Ministers cannot go into Cabinet fearlessly and robustly debate a point of view, then walk outside the Cabinet room and take collective responsibility for the position which they have collectively decided upon. Why is that necessary? We need it so that we can have good Government and sound decision making.

The mob of wreckers opposite, who tried very hard to prevent the truth from coming out when they were in Government, are now trying to break down that convention. The convention of Cabinet Government is central to our democracy and the Westminster system. Members opposite have not come to terms with the fact that they are in Opposition. The truth of the matter is that, if members opposite want Cabinet documents, they will have to get into Government. And they are certainly not going to do that while the member for Surfers Paradise is the Leader of the Opposition, something which all of the honourable members seated behind him know very well. Through this exercise, members opposite are trying to gain a backdoor into the Cabinet room. They keep saying, "Tell us what went on in Cabinet." They have to be joking.

This piece of legislation does not change the substance of the law. This legislation is effectively declaratory. What this legislation does is to emphasise and underline the fact that the purposive test has been removed. The removal of the words "for its consideration" will emphasise the fact that the purposive test has been removed. It was never the intention of this Parliament to allow a mob of shonks such as members opposite to have a backdoor into the Cabinet room. What they are doing, though, is going through the motions. They have talked about their freedom of information application wherein they were attempting to obtain the Ministers Estimates briefings that were sent to Cabinet and put before it.

An honourable member interjected.

Mr WELLS: That is right; it is of absolutely no consequence. Those documents went to Cabinet, and that is the end of the story; that is game set and match. Members opposite, in their spurious and cynical exercise of trying to get a freedom of information application up, are engaging in something which they know will be self-defeating. They know that at the end of the road they will not get those documents. They know that at the end of the road the legislation will prevent them from doing that. They know that that was the intention of the Parliament at the time. They know that that was the intention of the Westminster system. The convention of Cabinet confidentiality is a pearl of the Westminster system, and members opposite are not going to dislodge it with their cynical little exercise.

The honourable the Leader of the Opposition stood up in this place and, instead of arguing his case, engaged in a whole lot of gratuitous abuse. Abuse of that kind is the last resort of a scoundrel. The Opposition knows that it will never win an election with a gentleman whom I described once before as somebody who comes in here sneering and snivelling like a carnivorous rabbit.

Opposition members interjected.

Mr WELLS: Mr Speaker, members opposite cannot even organise an organised laugh.

Bunny boy Borbidge, the "pest from Paradise", is never going to lead members opposite out of the Opposition benches and onto these benches—never. Let us consider what this gentleman said to the House. He said that the documents that he was applying for were not considered by Cabinet. How would he know? He is never going to know what is going on in Cabinet.The Leader of the Opposition said that the Government should prove that the documents were considered by Cabinet. How would we prove that? We would prove that by telling everyone what went on in Cabinet, and that is the very thing that cannot be done under the Westminster system.

This mob of people who call themselves conservatives are not conservative. They are not interested in conserving the great

traditions of our democracy. They are not interested in preserving all that is best in our democracy. They are not interested in preserving a cornerstone of our democracy. They are a mob of wreckers who are prepared to take any opportunistic course they like in order to get some small amount of mileage.

If members opposite think that they are going to have a theatre in which they can carry on this masquerade, they are wrong. The little masquerade that members opposite are undertaking with their freedom of information application is over as of today. The Crown Solicitor has advised that it would never have been successful anyway. Members opposite are merely going through the motions in order to get a bit of theatre. It is a cynical misuse of the Act.

What members opposite are losing tonight is not a result; they never would have got the result that they were seeking. All they are losing is a little bit of theatre. That is the reason for the anger displayed by members opposite. We get that anger and that fake moral outrage from them because they are superficial individuals. They are not interested in results. They are not interested in ends. What they are interested in is special effects, and they are losing their special effects, they are losing their toys, and that is why we get the infantile, spurious rage that we are getting from them tonight.

I ask members opposite: where is their commitment to freedom of information? Is any one of them prepared to promise that, if ever they ever get into Government again, they will retain a Freedom of Information Act?

Mr Borbidge: Yes.

Mr WELLS: The member should say it loudly! For the first time, we have some sort of undertaking. When they get in, just watch them take the attitude——

Mr De Lacy: What do you mean "when they get in"?

Mr WELLS: When they get in in a hundred years' time, or whenever it may be, we will watch and see whether members opposite want to have the provisions for collective Cabinet confidentiality eroded. We have a freedom of information of which we are all proud and will continue to be proud.

Time expired.

Mr SPEAKER: Order! Honourable members, under the provisions of the resolution agreed to earlier this evening, I must now put the question for the second reading of the Bill.

Question—That the Bill be now read a second time—put; and the House divided—

AYES, 46—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Committee

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

Clause 1—

Mr BEANLAND (10.51 p.m.): Clause 1 refers to the short title. It states—

> "This Act may be cited as the Freedom of Information Amendment Act 1995."

Of course, in reality it should be the Freedom from Information Amendment Act 1995. The Minister admitted in his second-reading speech that that is what this legislation is all about—freedom from information. The Minister ought to be big enough to admit that and to agree to an amendment to the title to that effect.

Mr WELLS: The honourable member thinks he is a comedian; in fact he is really only a clown. He should shut up and go home.

Mr BEANLAND: I find that very offensive. I ask that to be withdrawn.

The CHAIRMAN: Order!

Mr Szczerbanik interjected.

The CHAIRMAN: Order! The Chair warns the honourable member for Albert. The Chair finds the terms uttered by the Attorney-General unparliamentary and requests that he withdraw the terms.

Mr WELLS: I withdraw and sincerely apologise.

Question—That clause 1, as read, stand part of the Bill—put; and the Committee divided—

In division—

The CHAIRMAN: Order! Honourable members, any further divisions during this Committee will be of two minutes' duration.

AYES, 45—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

The CHAIRMAN: Order! Under the provisions of the resolution agreed to earlier this evening, I must now put all remaining questions before the Committee on this Bill.

Question—That clauses 2 to 4 and Schedule, as read, stand part of the Bill—put; and the Committee divided—

AYES, 45—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Reporting of Bill

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (11.03 p.m.): Mr Chairman, I move—

"That you do now leave the chair and report the Bill without amendment to the House."

Question put; and the Committee divided—

AYES, 45—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Leave to Move Third Reading

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (11.08 p.m.): I ask leave of the House to move now for the third reading of the Bill.

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

AYES, 46—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Title

Hon. D. M. WELLS (Murrumba—Minister for Justice and Attorney-General and Minister for the Arts) (11.11 p.m.): I move—

"That the title of the Bill be agreed to."

Question put; and the House divided—

AYES, 46—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Burns, Campbell, Clark, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Pitt, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Szczerbanik, Vaughan, Welford, Wells, Woodgate *Tellers:* Livingstone, Budd

NOES, 34—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson
Tellers: Springborg, Laming

Resolved in the **affirmative**.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (11.15 p.m.): I move—

"That the House do now adjourn."

Draft Guidelines for Broad Scale Tree Clearing

Mr HOBBS (Warrego) (11.15 p.m.): The State Government draft guidelines for broad scale tree clearing are predominantly a sop to the conservation movement to gain preferences in the forthcoming election, rather than being based on a practical and scientifically based formula. The State's worst-kept secret is that, through the announcements on a weekly or fortnightly basis about conservation related issues—warm issues that give Government members that warm, fuzzy feeling—the State Government is chasing the preferences of the conservation movement. The Government is in panic mode. That was demonstrated when it introduced that policy document. Of course, through those guidelines, the Government is playing with the livelihood of landholders.

The Opposition has been told that the Government cannot supply the research data on which the guidelines were based for three weeks or so. If those documents were provided—and all the information is here in the form of percentages—why cannot the data by which those documents are supposed to be assessed be provided? In a press release dated 12 July headed "Local tree-clearing working groups to be formed", the Minister stated—

> "The groups will then finalise the guidelines and the whole group will have to endorse the guidelines before they are recommended to me for approval."

That was not done. The committees have not met to finalise the guidelines. The Minister stated—

> "If Brisbane becomes involved in the process it will be counter to the aims of developing localised guidelines."

That is exactly what the Minister is doing. The Opposition has no problem with the Government collecting data on timber treatment, pasture development, greenhouse effects, climate changes, land degradation or degeneration, or any matter that will give us knowledge of our land and the improved use of that land. We object to being used as a tool in the making of a political lovechild between the State Labor Government and the conservation movement.

I will explain where the Government is not fair dinkum. Firstly, the Government promised local guidelines. The actual standards that the Government has provided differ from the local guidelines that were proposed by some of the local communities. Why is the Government's data not available for scrutiny? The Opposition challenges the Government to provide the documentation so that we can assess whether the information that the Government is using is correct. The policy was developed in secret. The Government promised a regional approach, but it did not happen. There was outright rejection of the facts and up-to-date knowledge of land degeneration and an arrogant and immediate implementation of the guidelines to assess applications for tree clearing. Last, but certainly not least—in fact, it is the most important—the Government will use satellites to spy on and convict landholders.

I ask the Minister: how much timber is too much and how much is too little? Does the Minister know that millions of hectares of trees have grown since white settlement?

Mr Welford: Ha!

Mr HOBBS: Did the honourable member not know that? If he listens, he might learn something. In many areas, instances of land degradation have been caused by increased tree cover—not reduced cover, as asserted in this policy.

The Aboriginals continually burnt the land. They kept the regrowth—what are known as suckers—under control. Today, white man continues that role, using machinery and chemicals to do exactly what the Aboriginals did.

I quote from a summation of the journals of very early explorers of Australia—

> "Contrary to what is often stated, dense forests did not cover a large part of Australia and the first settlers did not set to and ringbark huge areas. There was no need to. Most of the country was woodland, grassland, savannah or open forest."

In his journal of 3 May 1770, Captain James Cook stated—

> "In the AM I went in the *Pinnace* to the head of the Bay . . . we found the face of the country much the same as I have before described but the land much richer, for instead of sand I found in many places a deep black soil which we thought capable of producing any kind of grain, at present it produceth besides timber as fine meadow as ever was seen."

In his journals, Joseph Banks makes observations similar to Cook's. Between 13 and 17 May 1770, he noted fires burning from Smokey Cape to the Glasshouse Mountains, including one probably on Mount Coramba near Coffs Harbour. While at Botany Bay, he noted as follows—

> ". . . very barren place without wood . . . very few tree species, but every place was covered with vast quantities of grass . . . the trees were not very large and stood separate from each other without the least underwood."

Time expired.

Dredging, Endeavour River

Mr BREDHAUER (Cook) (11.20 p.m.): For some time now, I have been working with the Cook Shire Council and members of the Cooktown community in regard to their desire to see the mouth of the Endeavour River dredged. That is a matter that has come to some attention in recent times with a proposed visit to Cooktown later this year by the replica of the barque Endeavour. It is a matter of particular interest to the residents of Cooktown, obviously because of the historical significance of the Endeavour River in Cook's original voyage to Australia in 1770 and the fact that he spent almost two months in the Endeavour River repairing his vessel after it was holed on a reef just to the south east of Cooktown.

Obviously, members of the community, the shire council and tourism representatives would dearly like to see the replica of the Endeavour, which is sailing up the east coast of Australia later this year, visit Cooktown and, if possible, gain access to the port of Cooktown and tie up alongside the wharf. This has proved to be somewhat difficult because, as is the case with many of our coastal rivers in Queensland, there is a sandbar at the mouth of the river, which has silted up over the years. I understand from information that I have received from the Minister for Transport and the Transport Department that, on a number of occasions, the mouth of the Endeavour River has been dredged. In fact, I understand that the first dredging of the bar at the channel occurred around 1880, and it has been dredged on a number of occasions since then. I am told by people in Cooktown that the last dredging of the mouth of the Endeavour River occurred in the early 1960s.

The difficulty is that the Queensland Ports Corporation, which is responsible for the operation and maintenance of the Cooktown port, has a specific charter in terms of the circumstances under which it can provide funds for capital works. On 29 August last year, in a letter to me, the Minister for Transport indicated that, generally speaking, for recreational uses the depth of the channel at the mouth of the Endeavour River was regarded as sufficient for most of the privately owned small craft in the area. I shall quote briefly from the letter, which states—

> "From the viewpoint of commercial users, the Government normally requires any individual waterway to be self supporting ie it would be necessary to recover the cost of dredging as well as future maintenance and administrative costs from the commercial users concerned."

The people of Cooktown argue that it is a catch-22 situation. Commercial vessels cannot access the port because of the depth limitations caused by silting at the mouth of the channel. Therefore, it is unlikely that they would ever be able to meet the Queensland Ports Corporation's requirements for a commercial return on its investment.

I have been negotiating with representatives of the Marine and Ports Division of Queensland Transport and the Ports Corporation. I might add that there is some difference of opinion between those two bodies as to what the likely cost will be. Estimates range from about $500,000 up to figures approaching $1.5m to $2m. Obviously, it is very difficult for the Government to justify expending such a large sum of money for the visit of one vessel in July and for the likely commercial return in Cooktown, which is not a port visited heavily by fishing fleets or other commercial vessels. Nevertheless, because I understand how deeply the people of Cooktown feel about this issue, I have continued to make representations to those organisations. I have had a number of dealings with the former Transport Minister, David Hamill, and I have had ongoing discussions and negotiations with the current Transport Minister, Ken Hayward, and

representatives of his staff. I understand that representatives of the Ports Corporation and the Marine and Ports Division are travelling to Cooktown next Monday for discussions with the local community.

There has to be some understanding by the community that, in situations such as this, the Government has limitations on its budget and that perhaps they need to consider whether they want a job done properly for the longer term or the shorter term. They also need to consider what contributions they can make. However, I assure them that I continue to support their efforts.

Time expired.

Family Services Department

Mr BEANLAND (Indooroopilly) (11.26 p.m.): I wish to raise my concerns about the direction and policies of the Minister for Family Services. I do this because more and more people are coming to me expressing concerns about the direction in which the department and the Minister are heading. People are particularly concerned about the lack of support that the Minister is apparently giving to parents who have problems with their children. They are also concerned that when children do commit some offences and get into trouble with the law, the Minister, through her department, takes the side of the children and does not support the parents who want some control over their children.

It is fair to say that I am receiving a growing number of calls about this matter. In fact, the other night, two families from Redcliffe—of all places—contacted me and expressed their concern about children in that area. The children of those parents had left home, misbehaved and committed a number of offences. The parents were quite ashamed of this, they were quite upset, and they wanted to do something about it. They spoke to the police, who indicated that their hands were tied by the Department of Family Services. They then spoke to the Department of Family Services, which promptly took the side of the children and did nothing about supporting the parents. Those children obtained some drugs and committed quite a number of offences, and even though their parents were distraught and wanted to bring their children under control, they received no support from the department.

Obviously, this problem is increasing. For example, today I received a phone call from a constituent at Chelmer who indicated that, for the second time, her son had been bashed up on the Chelmer Railway Station by some other young people. She said that she had contacted the police and that the police were doing what they could; but, of course, the police indicated that their hands were tied and that there is a limit to what they can do. That is exactly the case, and we see this happening over and over again.

Clearly, many young people lack self-esteem, and many of them are not being apprised of their responsibilities or obligations to the community. They are committing offences, and when they commit them they are not being made responsible for their criminal actions. There is no point in Government members abusing the Opposition over this issue. Wherever I travel throughout the State, because of my portfolio responsibilities, people come up to me and discuss this growing problem within the community. One has only to consider the growing crime rate. Unfortunately, it is happening; we wish it was not, but it is. Yet the Department of Family Services, under the Minister's direction, is not supporting the role of parents, and it is not supporting the police in the way it should, that is, by bringing those young people to account. I am not talking about harsh punishment, but purely sitting those young people down, talking to them, endeavouring to rehabilitate them and sending them home, because in many cases they have left home for no good reason. I am not talking about situations of child abuse; I am talking about children being disciplined in their own homes.

Some time ago, I attended a meeting at Beenleigh where this issue was raised over and over again. Reference was made to the lack of support from the Department of Family Services for parents and, instead, support for children. At the end of the day, it is the child who misses out. Unfortunately, under this Government, children are being told that they have all of these rights, but they do not. In fact, they have responsibilities and obligations to the community.

Under the Criminal Code, parents are able to discipline their children, yet we do not hear a word from the Minister for Family Services about that. All we hear about are the rights of the child. Sure there are social obligations to children. They are to be cared for and looked after. They are to receive adequate food, protection and accommodation. But the point is that there are also responsibilities, and those responsibilities are not being brought home to young people

today. It is because of this that we have an escalating crime rate, which is a growing problem in our community. It is something that will be addressed only when the Minister looks at the direction in which her policies are heading and at the philosophy behind those policies.

Time expired.

Centenary of *Waltzing Matilda*

Mr ARDILL (Archerfield) (11.31 p.m.): Earlier this month, I wrote to every school in my area drawing attention to a very important date on our calendar this year. I said that we should celebrate a very significant date, 6 April, which is the centenary of the first public performance of *Waltzing Matilda*, Australia's most famous and recognisable song. It was performed on 6 April 1895 at Winton, either in the North Gregory Hotel, which still exists, or in the old Post Office Hotel, which was demolished a long time ago. I gave quite a bit of information on the subject to encourage students in the schools to take an interest in it.

I would also like to thank the member for Gregory, who wrote to every member—and I received my letter on Monday—inviting them to take part in the celebrations. I would certainly like to attend, and I hope that other members will do so. It is a very important date on our calendar.

Waltzing Matilda is an integral part of our history and heritage. In early 1895, Banjo Patterson was staying at Aloha Cottage in Vindex Street, Winton, with the family of his then betrothed, Sara Riley. The young couple decided to go to Dagworth Station, outside Winton, to stay with the sisters of R. R. McPherson, the station manager, with whom Sara Riley was friendly. The McPherson family had settled at Yarrawonga in Victoria in about 1854, and they were famous at that time for being present when Mad Dog Morgan held up the station. He was shot dead while holding the family at gunpoint. Robert McPherson was born there in about 1860, and he died in the street at Kynuna, a town in north-west Queensland, on 27 July 1930. He was buried at Dagworth Station.

My father and uncles were drovers out in north-west Queensland and in the Northern Territory, and naturally I have had an interest in this subject for many years. I have stayed at the North Gregory Hotel on a few occasions.

While Patterson and Sara McPherson were at Dagworth, they and the McPherson family went to Combo Waterhole, which is on the boundary of that station and Kynuna Station, which was then managed by Sam McCowan, who eventually married one of the McPherson girls, Jean. While they were there, it is believed that R. R. McPherson related the events which are now made famous in the song. At the time, Banjo Patterson said, "I'm going to make you famous as the squatter mounted on the thoroughbred", because McPherson was the person involved.

Coincidence certainly plays a large and strange part in history. When they got back to the station that night, the overseer, John Carter, related to the manager that he had seen two swagmen camped by the billabong. Those words fitted into the pattern of the story that Patterson had heard that day and the tune that Christina McPherson was playing on the autoharp owned by the station bookkeeper, John Tate Wilson. He eventually became the shire clerk in Winton and died in Brisbane at the beginning of World War II. She had remembered that song for 11 months. She remembered hearing it at the Warrnambool races back in April 1894. It is remarkable that she could remember that song after all that time and then play it on an autoharp. She was actually a pianist, and she enjoyed playing the autoharp that belonged to the station bookkeeper.

Coincidentally, that race meeting, which was held on 23 March 1894, was attended by Lord Hopetoun, the Governor of Victoria at that time, who eventually became Australia's first Governor-General. Patterson wrote the words to fit the tune and, of course, the phrase that he had heard and the story. Some of the McPherson family returned with them to Vindex Street. Incidentally, at the time, the brother of Sara Riley was the manager of Vindex Station, outside Winton. They all returned to Aloha Cottage and put the tune and the song together over a piano.

The song was sung by Sir Herbert Ramsay, a baritone of some note in the north west at that time. It was first sung by Ramsay, it is believed, at the hotel on 6 April. It certainly was sung by Ramsay at a banquet to celebrate the building of the Great Northern Railway Line from Townsville to Winton. That line has now bypassed Winton and goes to Mount Isa, but at that time the railway line from Townsville to Winton tapped into the pastoral lands.

In October 1895, a banquet was held in Winton at which Sir Herbert Ramsay sang the song to welcome the Premier, Sir Hugh Nelson, and the Secretary for Railways, Sir Robert Philp, to the town. The song spread all

around Australia and was a great morale booster during World War II.

Time expired.

Centenary of *Waltzing Matilda*

Mr JOHNSON (Gregory) (11.37 p.m.): What a coincidence! The member for Archerfield has just mentioned probably one of the greatest birthdays that this nation will celebrate in many a long day—the centenary on 6 April this year of *Waltzing Matilda*, which was composed at the North Gregory Hotel at Winton. As the honourable member mentioned, this date marks 100 years since the late Banjo Patterson put these words together on 6 April 1895.

The point that I want to make in the House tonight is that this piece of history is very important to all of us in this great State and nation of ours. The honourable member for Archerfield referred to the history and originality of the national song, as a lot of people term it.

The point that I want to make this evening is that the Winton Shire Council, the Queensland Events Corporation and many people in Winton and district and right throughout this State have worked very hard to make this event a reality. As the member for Archerfield said, I have written to every member of this House. Although everybody may not be able to attend, everybody is welcome. If members cannot make it, they should tell their friends and the world about it, because it will be one hell of an event. When people ask me where I come from, I always tell them that I come from a country that is full of liars, larrikins and legends. I can assure honourable members that they will see plenty at Winton on 6, 7 and 8 April.

Mrs Woodgate: Which one do you fit into?

Mr JOHNSON: I am a legend. This is a wonderful occasion for us to celebrate a part our history and the culture that that part of Queensland represents. Winton is probably the last of the frontier towns. It is a very important part of our history and our culture in that part of Queensland. I believe that Banjo Patterson summarised the whole deal when he wrote the song that referred to the Combo Waterhole and Dagworth Station, and which was recited at the North Gregory Hotel in Winton in 1895.

On 6 and 7 April, the picnic races will be held at Winton. That will be a wonderful occasion. I believe that quite a few members of Parliament will attend that event. I know that the Premier will be in town on the 6th for the dinner to be held that night. On the 8th, we have the North Gregory Race Club's annual races, which will be another wonderful day. The bronco-branding competition is on the 9th. The practice of bronco branding is very traditional; it is a part of the lifestyle in that part of the world. Many years ago, calves were branded by the bronco, and some stations still follow that tradition. Bronco branding has become somewhat of a sport. It is a legendary practice for that part of the world. I recommend that those who have never seen bronco branding ensure that they attend that event on the 9th.

The bush poetry recitals will be another wonderful occasion. I want to mention Bluey Bostock. He has been a terrific ambassador. He has been travelling around selling Winton and the Waltzing Matilda Centenary to the whole of Australia. On the Friday night, we also have the art show. That will be a top-quality display of art by Sharon Jones of Buderim. Many people in that part of the world have never been exposed to that type of artwork, and the display will be well worth seeing.

I have sent a calendar of events to every member. It informs people of the many events occurring in the west around Easter. If members cannot make it for 6, 7 or 8 April, I can assure them that the grand ball on the 15th will be a memorable occasion. Plenty of events will be happening in the west, starting on 1 April. The celebrations start with a race meeting in Longreach and go right through to the Blackall show on 29 April. Many wonderful race meetings will be held throughout the central west, starting on the 8th at Winton and finishing with the Easter Cup on the Easter weekend at Ilfracombe on the Monday, which will be another exciting day.

The west is full of activities over the Easter weekend and the weekend preceding Easter. I hope that, if members cannot make it, they will tell their friends about it. The events will centre around the wonderful Matilda Highway. No doubt the honourable member for Cook knows about the Matilda Highway, because it finishes in his electorate. I reiterate that everybody will be welcome at Winton this year.

Mr SPEAKER: Order! I would entertain an extension of time if the member would sing the song.

Queensland Building Services Authority, Insurance Scheme

Mrs WOODGATE (Kurwongbah) (11.43 p.m.): Over the past few months, I have been visited and telephoned by constituents in my electorate with regard to insurance claims that they had lodged with the Queensland Building Services Authority. Some of those people were quite concerned that, even if their insurance claims were successful, they still may have to cover a shortfall in costs required to rectify problems with their homes. One gentleman in Bray Park was so concerned that I undertook to contact the Building Services Authority and be brought up to speed with the situation in relation to his claim. He had been told by well-meaning friends that the QBSA never covered the cost of non-completion, defective construction or subsidence or settlement, and I could readily understand his concern that he could well be faced with a bill for thousands of dollars.

Just prior to his visit, I received a rather disturbing telephone call from an officer of the Pine Rivers Shire Council who was most vehement in his criticism of both this Government and the Queensland Building Services Authority for what he considered to be an insurance scheme which did not protect consumers at all. He was most outspoken about the fact that these were Clayton's insurance policies which did not give adequate coverage to people whose homes, for whatever reason, necessitated a claim being lodged with the Queensland Building Services Authority.

Information I received from the general manager of the authority, Mr Matt Miller, and the insurance manager, Mr Col Wright, proved to be quite an eye-opener. I was so impressed with the briefing that I received from those gentlemen that I thought I would like to share that information with honourable members tonight. The authority insures against three eventualities: non-completion, defects and subsidence. The premiums are $110 a week for work less than $10,000 and $262 for work above $10,000. The period insured is six years and the benefit is 60 per cent of the contract value to a maximum of $45,000, plus an extra $5,000 rent, removal and storage assistance. For non-completion, the benefit supplements the owner's unpaid contract sum, and I am given to understand that $45,000 should adequately cover the shortfall.

Let us look at some statistics, which are very pleasing. Since July 1992, 156,448 homes, extensions and alterations have been insured. Of these, defects and subsidence rarely require the total entitlement. For the same period, only 2,439 claims were paid—a total benefit of $12.35m. Of the 2,439 claims lodged since 1992, only 18 fell short of required funds. Of those 18, four were related to subsidence, five were for non-completion and nine resulted from gross overpayment of progress drawn by owners, and on investigation they proved to be way beyond what those nine individual contracts required.

I believe that that is a pretty good record for the authority. I was happy to tell the gentleman about it. I do not believe that the public at large are aware that the authority has such a good record. As to the case of the gentleman from Bray Park who was most concerned about his claim—that story did have a happy ending. His claim has been paid. He has been paid $39,000 with no costs at all to him, and naturally he is delighted about that.

I believe that the public need to be made aware just how well they are covered when they enter into a contract for the construction of a home. The insurance provisions of the QBSA provide consumers with a warranty on all residential construction work up to and including a three-storey development contracted by a licensed building contractor whose licence permits construction of the proposed work type and carries an "insurance yes" endorsement. Residential construction work is defined by the Act and regulations and is basically work of a value in excess of $3,000 that consists of construction of a home or alterations to a home affecting the structure, weatherproofing, water supply, sewerage or drainage or internal fixtures.

It is a requirement of the legislation that licensees enter into a written contract with consumers and that the contract complies with certain minimum standards and restrictions as to content. The contract must be imprinted with the contractor's credit-card type licence and a copy provided to the local authority, which acts as the agent for the QBSA, together with the premium payment. Local authorities have equipment for imprinting and are required by the Act to sight evidence of premium payment before releasing plans.

The licence card imprint clearly denotes who is the contractor and avoids contracts being entered into by unlicensed contractors, thereby providing further protection for consumers. The contract copy is the authority's insurance proposal from which a certificate of insurance is issued. The certificate is posted to the consumer named in

the contract, together with an insurance policy conditions booklet.

From what I have said, I believe that it is obvious that any Queenslanders who contract with a registered builder have an insurance cover second to none. With such an insignificant number of claimants out of pocket, I believe that the scheme has proven an outstanding success, and home builders in this State can be assured that their interests are in good hands should defective construction, non-completion of their homes or subsidence or settlement occur, as the case may be.

Motion agreed to.

The House adjourned at 11.48 p.m.