

THURSDAY, 2 NOVEMBER 1995

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

PETITIONS

The Clerk announced the receipt of the following petitions—

Department for Citizens

Mr Hegarty (7 signatories) requesting that the House establish a Government department to protect all citizens, including members of clubs, be they incorporated or not, unions, organisations, establishments and all disadvantaged people.

Land Rezoning, Macleay and Russell Islands; Apportionment of Rates

Mr Hegarty (302 signatories) requesting that the House (a) intervene to prevent the Redland Shire Council from downzoning Residential A land on Macleay and Russell Islands without fair market compensation to its owners; and (b) that the Department of Housing, Local Government and Planning investigate the apportionment of rates collected to expenditure on infrastructure to evaluate drainage problems.

Petitions received.

STATUTORY INSTRUMENT

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

Plant Protection Act 1989—

Plant Protection (Papaya Fruit Fly) Quarantine Amendment Regulation (No. 1) 1995, No. 305.

PAPERS

The following papers were laid on the table—

(a) Premier and Minister for Economic and Trade Development (Mr W Goss)—

Annual Reports for 1994-95—

Department of the Premier,
Economic and Trade Development

Office of the Cabinet

Office of the Co-ordinator General

Office of the Queensland
Parliamentary Counsel

Public Sector Management
Commission

Public Sector Training Council

South Bank Corporation

Bikeways Project Board

Parliamentary Contributory
Superannuation Fund

(b) Deputy Premier and Minister for Tourism,
Sport and Youth (Mr Burns)—

Report on his official visit to Japan, Korea,
Taiwan and Hong Kong during the period
1-13 October 1995

(c) Minister for Primary Industries and
Minister for Racing (Mr Gibbs)—

Annual Reports for 1994-95—

Brisbane Market Trust

Gladstone Area Water Board

Queensland Sugar Corporation

Timber Research and Development
Advisory Council of Queensland

(d) Minister for Housing, Local Government
and Planning, Minister for Rural
Communities and Minister for Provision of
Infrastructure for Aboriginal and Torres
Strait Islander Communities
(Mr Mackenroth)—

Office of the Local Government
Commissioner—Annual Report for 1994-
95

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

National Crime Authority—Annual Report
for 1994-95.

MINISTERIAL STATEMENT**Overseas Trips**

Hon. W. K. GOSS (Logan—Premier and Minister for Economic and Trade Development) (10.04 a.m.), by leave: Last month I undertook a brief trip to New Zealand and, before that, to Papua New Guinea: in the case of New Zealand, for one and a half days, and in the case of Papua New Guinea, for one day on 16 September. I have statements in relation to the detail of those trips, but to save the time of the House I seek leave to table them and have them incorporated in *Hansard*.

Leave granted.

PAPUA NEW GUINEA REPORT

On 16 September, Papua New Guinea celebrated twenty years of independence and, during the same week, hosted the 1995 South Pacific Forum of Pacific Heads of Government.

In recognition by the Papua New Guinea Prime Minister, Sir Julius Chan, of the close relationship developed by my Government between his nation and this state, I was invited to attend celebrations in Port Moresby as an official guest of the Papua New Guinea Government; the only Australian state leader to receive such an invitation.

This enabled me not only to represent Queensland on this very important occasion, but also to have discussions with Prime Minister Chan and to meet senior Papua New Guinea governmental and business leaders, as well as renewing contact with Forum Heads of Government including the Prime Ministers of Fiji and Vanuatu.

Queensland's commercial relationship with Papua New Guinea is based on the Memorandum of Understanding regarding Business Cooperation, signed originally in 1992 by then Prime Minister Namaliu and myself and endorsed subsequently by Prime Ministers Wingti and Chan. The state holds a share of some 30 percent of Australia's exports to Papua New Guinea and is the Australian base for several of the major resource and infrastructure developments there, including the Lihir gold mine project, potentially one of the largest in the world.

The September visit to Papua New Guinea was my third as Premier of this state and I remain the only Australian Premier to have visited Papua New Guinea in its twenty years of independence.

Report on Trip to New Zealand

I wish to report to the House on a visit I undertook last month to New Zealand.

During a stay in Auckland of less than one and a half days, I held individual discussions with the chief executives of four of New Zealand's largest companies, spoke at a luncheon for New Zealand business leaders to promote investment into Queensland and hosted a reception for Queensland exporters and their main New Zealand clients, attended by some 120 guests.

The four major companies included Fletcher Challenge, New Zealand's largest group with a turnover internationally of over \$10 billion, Air New Zealand with its international hubbing in Brisbane, Lion Nathan as owners of Castlemaine Perkins and leading white goods manufacturer Fisher & Paykel. The latter has now commenced a \$37 million expansion of their Cleveland operation, with opportunities for developing export markets from Queensland, as well as their increasing share of the Australian market.

Each of the companies expressed satisfaction at the success of their operations in Queensland and their intention to consider further expansion in the State. My department will maintain close contact with them, to maximise opportunities for Queensland.

The investment promotion luncheon included 27 New Zealand business leaders and potential investors, ranging from the main merchant bankers to major manufacturers. New Zealand investors have traditionally looked to Victoria and New South Wales and the luncheon enabled me to direct their attention to the significant advantages offered by Queensland and to encourage investment into this State.

My department will, over the next twelve months, build on the contacts provided by my visit and the broad New Zealand media coverage which it attracted, to seek substantial further investment into Queensland from New Zealand, Australia's third largest international trading partner.

Wellington on 11 October 1995

I met with Ms Helen Clark, the Leader of the Opposition in the New Zealand Parliament, and had discussions with her on changes in the New Zealand electoral system to the mixed member proportional (MMP) voting system. I also discussed with Ms Clark and her Parliamentary colleagues the continuing opportunities for closer involvement between the New Zealand economy and Queensland businesses.

The Australian High Commissioner, Mr Ray Greet and his staff provided briefings at the Australian High Commission on the range of trans Tasman issues currently of primary focus between Australia and New Zealand. The impact of CER (the Australia-New Zealand closer economic relations agreement) on the creative arts such as television and film are of particular interest to Queensland and its emerging film industry.

My meeting with the Rt Hon James Bolger, Prime Minister of New Zealand focussed on issues of potential advantage for Queensland and New Zealand business in working together to achieve maximum benefit and growth for our industries. We discussed current New Zealand investment in Queensland and the continuing opportunities for growth in tourism traffic arising from the opening of the new Brisbane international airport and the continued hubbing arrangements for Air New Zealand's international flights. Mr Bolger indicated that he and his Government are very supportive of the continuing expansion of linkages between Queensland and New Zealand commercial interests and that they will continue to encourage the expansion of our business ties.

MINISTERIAL STATEMENT

Japanese Encephalitis Virus

Hon. P. D. BEATTIE (Brisbane Central—Minister for Health) (10.05 a.m.), by leave: I would like to inform the House of a unique State and Federal Government initiative to prevent the deadly Japanese encephalitis virus getting a foothold on the

Australian mainland. The national approach was agreed to yesterday after a meeting between Federal Health Minister, Carmen Lawrence, and me to finalise arrangements for the Commonwealth to pay for vaccine to control the spread of the disease on Torres Strait islands and onto mainland Australia—a meeting that was fully supported by the honourable member for Cook.

The joint decision to implement a one-off vaccine program on the Torres Strait's outer and middle islands follows the outbreak of Japanese encephalitis, or JE, earlier this year. Honourable members would recall that the outbreak left two people dead and a third seriously ill, with countless others recorded as carriers of the virus. That was the first time this disease had entered Australia.

In recognising the importance of curbing this virus, the Queensland Government will implement and pay for a series of controls to eliminate the spread of the virus to mainland Australia via the Torres Strait islands. This will involve mosquito-control strategies, including cross-Government cooperation to implement long-term strategies aimed at eliminating known mosquito breeding grounds and ongoing research into the development and spread of JE. The cost and payment details of the program can be broken down in the following way: vaccine, \$250,000-plus—to be determined, of course, by the Federal Government; vaccine implementation, \$200,000 by the State Government; initial mosquito control, \$50,000; and State research, \$75,000. A further \$100,000 will be provided by the Department of Local Government, Housing and Planning to repair infrastructure known as mosquito breeding grounds.

I should commend my Cabinet colleagues the Minister for Local Government, Housing and Planning and the Minister for Primary Industries for their cooperation in this vital program. The Queensland Government will be responsible for the immunisation program and ongoing education to prevent similar outbreaks. Immunisation will begin as soon as the vaccine becomes available from the supplier and will continue until after Christmas. This one-off immunisation program will protect Torres Strait Islanders from the disease for up to four years, while in the meantime mosquito control and research programs are implemented to ensure mainland Australia is protected well into the future.

These measures will take some time to be effective, and the one-off mass immunisation program can act as a curbing measure until

the prevention programs can take effect. The cooperation between the State and Commonwealth Governments in this matter will not only assist Torres Strait Islanders already affected by the virus but will also act as a major barrier to Japanese encephalitis reaching the mainland. Again, I thank the member for Cook for his assistance in arranging and helping me with this program.

MINISTERIAL STATEMENT

Bells Creek Fire

Hon. K. H. DAVIES (Mundingburra—Minister for Emergency Services and Minister for Consumer Affairs) (10.08 a.m.), by leave: This parliamentary week, the Leader of the Liberal Party misrepresented the excellent work of the rural fire services in dealing with the tragedy which befell a number of volunteer firefighters at Bells Creek.

The House deserves to know the facts. The rehabilitation of the Bells Creek burn victims by Queensland Emergency Services had four phases to it: phase 1 ensured the volunteers received the best medical attention available; and phase 2 provided the necessary psychological support to the victims and their families. This commenced on the night of the fire, not five months later, as claimed by the Liberal Leader. On the night, Fire Service management organised peer supporters to provide both physical and sympathetic support to the families while trained counsellors provided immediate assistance and assessments. This continues today and will do so for as long as is required by the victims and their families.

Phase 3 assessed the financial losses of the families to ensure that recompense was provided so that no family was financially worse off as a result of the accident. All victims received workers' compensation payments as well as ex gratia payments over and above the standard payments. We made payments covering loss of contracts, loss of income for spouses, rent, rates in arrears, hire-purchase agreements, transport and accommodation costs, etc. These will continue until the issues are finally settled. In one case, a man and his family were settled in another part of the State and accommodation was arranged so that they would be closer to family support. Phase 4 relates to payments for long-term disability or for pain and suffering experienced. This necessarily takes some time, but to negotiate a premature settlement, as the Liberal Leader appears to want, would potentially short-change the volunteers.

Far from the Government doing little to assist the injured firefighters and their families, an enormous effort has been provided by all concerned. Palmwoods and Coochin Creek welfare committees were established and funded by the Queensland Fire Service. At a State level, an assessment team visited each victim to assess his or her losses and recommend payments, and the whole process was overseen by a steering committee. Each burns victim and his family were assigned a counsellor who managed the psychological rehabilitation process, even to the extent of residential periods in the Belmont Trauma Management Centre. These programs continue today.

In the case of Mr Terry Bobak, there is a substantial level of misinformation reported regarding his circumstances. Mr Bobak continues to receive workers' compensation and supplementary payments on a weekly basis to a level of approximately \$625 per week. He and his family have also received payments for: accommodation for his wife in Brisbane at a motel for the period of Mr Bobak's hospitalisation; for part of this period, accommodation for his wife's family was also provided; a cash payment to his wife for out-of-pocket expenses; payment for loss of contracts in his business; his lawn and gardens were cared for; payment for his house rent which was substantially in arrears; payment for his telephone accounts, which were also heavily in arrears; payment for outstanding hire purchase agreements; payment for maintenance of his family while he was in hospital; all medical costs; and all psychological counselling costs. Media comments earlier this week that Mr Bobak has received only \$7,000 are in the order of 700 per cent in error, and growing each day as payments continue. To date he has received payments in the vicinity of \$50,000.

None of the victims has been forced to pursue the legal path nor go to court to fight for compensation. Rather, it has been made very clear to all concerned that the Queensland Fire Service wishes to negotiate settlements. However, we must wait for a reasonable period, otherwise the volunteers could be short-changed. For example, just last Monday, 30 October 1995, one of the firefighters had a relapse and had to be readmitted to hospital. If the Queensland Fire Service had settled last month, where would this have left this valiant volunteer? The State Government has not abandoned its volunteer firefighters, who are to be commended for their courage in facing their problems. The Queensland Fire Service and the State

Government will stand by them until they are fully recovered.

A full investigation has been carried out on the Bells Creek Fire and this is a matter of public record. The Queensland Fire Service's support to its members was and continues to be professional, timely and compassionate. I personally would like to acknowledge the approach which the rural fire services took in dealing with the consequences of the Bells Creek Fire. The rural fire services cannot turn back the clock so that the fireball never happened, just as it cannot make all the consequences go away immediately. It has, however, done everything humanly possible to help these volunteers through this crisis. I commend the efforts of the deputy commissioner, Bob Barchard, his permanent officers and the members of the Coochin Creek and Palmwoods welfare committees who have taken a very deep and personal interest in ensuring these volunteers' wellbeing and healing is returned to optimal levels as soon as realistically possible.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Procedures for Referral of Complaints

Mr CAMPBELL (Bundaberg) (10.14 a.m.), by leave: The Members' Ethics and Parliamentary Privileges Committee would like to clarify the position with respect to the procedures for the referral of complaints on privilege and ethics matters to the committee. As this committee has only recently been established to develop a draft code of ethics and to recommend procedures for enforcing the code, it would be premature for it to consider any matters which relate to general principles of conduct for members until it has reported and the code is approved by the Parliament. The committee is not in a position, therefore, to consider a range of issues which some members have referred to the committee, but will take these matters into account in formulating a draft code.

To ensure that the committee is not inundated with complaints, the committee is of the opinion that the procedure initiated by Mr Speaker in the previous Parliament relating to how privilege matters are referred to the committee should continue. This procedure provides that members initially raise the matter in writing with the Speaker. The Speaker would then be required to make a determination and respond to the member within seven days as to whether a prime facie case of a breach of parliamentary privilege or contempt has been

made out. Following this, the Speaker would then advise the House of his decision and refer the matter to the Members' Ethics and Parliamentary Privileges Committee for consideration and report. If no prima facie case was established, the member raising the matter would be advised. The member would still be able to raise the matter using the normal procedures of the House, but in these cases no precedence over other business of the House would generally be afforded to that member. In the committee's opinion, these procedures will satisfactorily resolve any potential problems and ensure that matters of privilege are given the consideration that they warrant.

QUESTIONS WITHOUT NOTICE

Workers' Compensation

Mr BORBIDGE (10.18 a.m.): I refer the Minister for Employment and Training to her failure to provide the Parliament with any actuarial reports to support the economic viability of the Government's workers' compensation package. I now ask: how can her changes to workers' compensation have any credibility when she refuses to make public the actuarial information on which those changes are based?

Mr De Lacy interjected.

Mr SPEAKER: Order! I warn honourable members that I will not allow interjections when questions are being asked.

Mr BORBIDGE: There was a drop of 8.8 per cent in votes for the Treasurer at the last election.

Mr Mackenroth: You have to ask the question.

Mr BORBIDGE: The Leader of the House had a 9 per cent swing against him.

Mr SPEAKER: Order! If the Leader of the Opposition wants the protection of the Chair when he is asking a question, he will have it only while he is asking the question.

Mr W. K. GOSS: I rise to a point of order. I accept your ruling, Mr Speaker, in relation to interjections during questions, but if the questioner departs from the question to make comments, then I seek your ruling to confirm the entitlement of members to respond to asides.

Mr SPEAKER: Order! Members will have the protection of the Chair. We will have no interjections while questions are being asked, because I intend to hear the questions, as should all honourable members. It is only

fair that, if members interject during questions, there can be a response.

Mr BORBIDGE: Thank you, Mr Speaker. I will start again. I refer to the Minister's failure to provide Parliament with any actuarial reports to support the economic viability of her Government's workers' compensation package, and I ask: how can her changes to workers' compensation have any credibility when she refuses to make public the actuarial information on which those changes are based? Does such a report exist and, if so, will she now provide that report to the House and, if not now, when?

Mrs EDMOND: I thank the honourable member for the question because it again gives me the chance to highlight some of the differences between the actions of this Government and the actions of those opposite. The former Government of members opposite never had to worry about providing independent actuarial advice, because it never received any. That was never a problem; there was no cause for embarrassment. There is no cause for embarrassment for this Government because, as we have considered every stage of the package, at every stage of the negotiations, for every option at which we have looked we have obtained independent actuarial advice. That advice is in my office. When the member is in my office, he will be able to look at it.

Workers' Compensation

Mr BORBIDGE: In directing a further question to the Minister for Employment and Training, I refer to her deferral of a review of the stress provisions of the workers' compensation package. I ask: as the Minister has had so much advice, why is she unable to determine this matter now? Is this delay a stalling exercise to head off widespread union unrest prior to a Federal election and the Mundingburra court challenge?

Mrs EDMOND: The Opposition is really sinking into the depths now. The actuarial advice that we have received regarding stress claims is that it will not save us a penny, but we should be looking at different ways of managing stress and preventing it. As I indicated yesterday, one of the best ways that we can act to prevent stress is to stop the member opposite from going around attacking TAFE colleges all the time. For his own safety, we are not letting him out there on his own! Stress is a growing concern, both in the public and private sectors. The biggest increase in stress claims in the private sector is in the

clerical area, which may surprise honourable members.

Mrs Sheldon interjected.

Mrs EDMOND: It is in the public sector, and that is why we have set up stress advisory units on a trial basis in five different departments. Those units have not been running for very long. What I have indicated to the unions and to the media—and the honourable member was obviously not listening—is that we are listening to the people and saying, "We need to find better ways of managing stress." We need to find ways of preventing stress in the workplace. We are not about giving people a lump sum of money and saying, "On your bike." When we have reviewed the work done in those pilot studies and found a better way of handling stress, then I will implement it. However, until such time, the current system will remain.

Workers' Compensation

Mr LIVINGSTONE: In directing a question to the Premier, I refer to media reports that some employer organisations believe that they will bear all of the pain as a result of the State Government's workers' compensation package, and I ask: can he inform the House whether this is an accurate assessment?

Mr W. K. GOSS: I thank the member for the question. It is pleasing that at least I can get a question from this side of the House.

Mr Veivers interjected.

Mr W. K. GOSS: As to the Opposition's tactics on Tuesday—we just reeled in members opposite.

In relation to some complaints made by employer organisations overnight, I will make a couple of points. Firstly, Queensland employers get the lowest State taxes and charges of any set of employers in any State in the country. This Labor Government provides for Queensland employers the most competitive environment of any State. That is shown not only in the success of business in this State but also in the record job creation figures. Queensland is the State with the best job creation record. That is something of which we are proud. This State Labor Government places a high level of priority on creating jobs. We have done a much better job than the Governments of any other State, Labor or conservative, and a much better job than members opposite did when they were in Government.

Employers need to remember a few things. For example, let us look at a comparison of conveyance duties. I will cite a small selection of examples. On a \$200,000 home, the conveyance duty in Queensland is \$2,000; in New South Wales, nearly \$5,500; in Victoria—the Opposition's model—\$8,200. Payroll tax is 5 per cent in Queensland and 7 per cent in Victoria. Our threshold is much higher. In Queensland, land tax per capita is \$62.12; it is \$86.43 in Victoria. In Queensland, tobacco licence fees are 75 per cent; they are 100 per cent in every other State, including Victoria. There is no petrol franchise fee in Queensland. Fuel is a significant cost for employers. It is nil in Queensland but a significant 8.99 per cent in Victoria. Is that the Opposition's model? As Mr FitzGerald said, I will tell Jeff tonight when I see him down the road that the Opposition is a bit shy when it comes to some of his policies!

Mr FitzGerald: You'd better get to know him; you won't be seeing him much more, I'm told.

Mr W. K. GOSS: I will be seeing plenty of him. If the dynamic Leader of Opposition Business in the House is so concerned about not sitting tonight, he should enter into a pairing arrangement, and I will make arrangements for Parliament to sit. Do we have a pair?

Mr Borbidge interjected.

A Government member: Borbidge said, "Yes."

Mr W. K. GOSS: He said, "Yes." I will think of the honourable member.

Financial institutions duty is nil in Queensland; it is 0.06 per cent in Victoria. If Queensland employers cannot compete with the other States in a competitive environment such as that, there is something wrong with them. They should have the integrity to acknowledge that they are getting the best deal of any set of employers in the country.

The second point to make to Queensland employers is this: the single big thing that they wanted out of this resolution was to cut or reduce common law access. The party that claims to be the party of the employers dumped them. The Leader of the Opposition came under a bit of stress at one press conference and he dumped the employers just like that. The Opposition has no alternative policy. If the members opposite had been in Government, the employers would have been cut out of the one thing that they want.

My final point is that the difference between us and them is that not only have we sought—and done it successfully—to maintain common law access but we have also done other things for the workers which the Opposition never did when it was in Government. Those were things that only a Labor Government would do. The better position for the workers is demonstrated by the increase in weekly benefits for people such as meat workers and nurses, whom the Opposition put on an inequitable weekly arrangement when it was in Government. We have found a way to improve their position in terms of weekly payments. We have also increased statutory lump sum payments from a level that was appalling under members opposite to a level that has improved now but which, in the view of this Government, still has some way to go. We have improved the lump sum payments for workers. In addition, we have improved their death benefits and the special lump sums for brain and spinal chord injuries.

In other words, overall in terms of the regime of State taxes and charges, employers have got the best result of any set of employers in the country. As far as workers are concerned, not only have we maintained common law access but also in those key areas of lump sum payments—which affect the majority of injured workers—and in relation to weekly benefits for particular categories of workers we have delivered equity and fairness that the lot opposite never did and never would do.

Safety of Children in Schools

Mrs SHELDON: I direct a question to the Minister for Police. In the wake of the vicious murder of two girls on the Sunshine Coast this week, I draw the Minister's attention to yesterday's attack on two nine-year-old girls in a toilet block within the grounds of a suburban Brisbane school. Given that existing police resources are unable to deal with the emergence in Queensland of another new crime—school invasion—and given the Government's basic responsibility to provide a school environment that is safe, I ask: when will he adopt coalition policy and provide school-based constables to protect school children?

Mr BRADY: I am not surprised at the question, given the comments made earlier this week by the Leader of the Liberal Party in the wake of the murder of those two young girls—comments that were completely in bad

taste. She accused the Government of providing a lack of resources in connection with that matter.

Mrs SHELDON: I rise to a point of order. I find those comments offensive and untrue, and I ask that they be withdrawn.

Mr SPEAKER: Order! Does the member find those statements to be untrue?

Mrs SHELDON: They are offensive and untrue, and I ask that they be withdrawn.

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

Mr BRADY: In the circumstances, I withdraw the comments, but I will say this—

Mr Schwarten: You've got the decency of a water rat.

Mrs Sheldon: You are a water rat.

Mr SPEAKER: Order! The member for Caloundra will withdraw that statement. It is unparliamentary.

Mrs Sheldon interjected.

Mr SPEAKER: Order! The member will withdraw the statement unequivocally.

Mrs Sheldon interjected.

Mr BRADY: The people of Queensland have been offended by the behaviour of the Leader of the Liberal Party during this week. Her offensiveness has increased through her asking of this question. To attempt, as the Leader of the Liberal Party is doing, to—

Mrs SHELDON: I rise to a point of order.

Mr SPEAKER: Order! There is no point of order. I heard what the Minister said.

Mrs SHELDON: The comments that the Minister made about me being offensive are untrue, and I want them withdrawn. They are unfounded and they are a lie.

Mr SPEAKER: Order! I warn the Deputy Leader of the Coalition under Standing Order 124 for disobeying my ruling. I heard what the Minister said. The member's point of order is not valid. I call the Minister.

Mr BRADY: The people of Queensland expect the Government and the Opposition to exercise statesmanship during times of personal crisis for residents of this State. The Leader of the Liberal Party never displays any statesmanship. This question in itself is offensive, because it does not state—

An Opposition member: What are you hiding?

Mr BRADY: It would be appropriate that, at least on this issue, I be heard without interjections from Opposition members.

Mrs Sheldon: We are asking about two girls in a school toilet.

Mr BRADY: I am about to answer that question.

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

Mr BRADY: The offensiveness of the Liberal Leader's question is based in the coalition's own policy. Even its own policy did not propose providing police in every school in this State. The policy certainly did not provide police in primary schools in this State. The policy that the coalition proposed—which was laughed at because it was not appropriate—was that there would be trials of police being attached to five secondary schools. So the question that the member for Caloundra has asked is based on an incorrect premise and she is quoting untruths. She is seeking—in a dirty, tawdry attempt to score some political points—to present the coalition in a false light.

The coalition did not have a policy of putting police in primary schools, and yet the question asked by the Leader of the Liberal Party is based on that premise. Her question is offensive, it is wrong, and I reject it.

Stamp Duty

Mr T. B. SULLIVAN: I direct a question to the Treasurer—

Mr Cooper interjected.

Mr SPEAKER: Order! I warn the member for Crows Nest under Standing Order 123A. I realise that we have had two late nights, but I will not allow this House to degenerate into a rabble, and that is what it is starting to become today. I have asked members to be silent while another member asks a question, and I will demand that that courtesy be shown. I warn all members on that basis.

Mr T. B. SULLIVAN: I refer the Treasurer to claims by the Opposition that the Queensland Government will endanger the economic health of the State with a plan for expanded stamp duty. I now ask: can he advise members of the status of the rewrite of the Stamp Act?

Mr De LACY: I did note the ridiculous comments by the Leader of the Liberal Party. It is strange how, as people become more irrelevant and as people laugh at them more,

they become more and more extreme in their comments. The story does not change—only the adjectives. The story becomes a bit more extreme and there is a bit more hyperbole.

I want to make a few comments about the rewrite of the Stamp Act. Yes, we are going through a comprehensive rewrite of the Stamp Act. The Act dates back to 1894, so it is more than 100 years old. It needs to be brought into the twenty-first century. Yes, we are looking at changing the base of levying stamp duty from an instrument to a transaction. We are doing that to take account of modern practice. The practice of stamping pieces of paper is not relevant to the twenty-first century. The very clear instruction to the Office of State Revenue during this rewrite is that, from a budgetary point of view, it must be revenue neutral. So it is not aimed at expanding the tax base; it is aimed at modernising and simplifying the Stamp Act.

I find it highly ironic that a spokesperson from the Opposition should challenge us for wanting to expand the tax base, when everybody knows that the conservative States are plotting and conniving to do exactly that. A recent newspaper article carried the heading "Court talks of secession over tax row". That article stated—

"The West Australian Premier, Mr Court, yesterday undermined the Federal Opposition's rejection of new taxes for the States, warning that States could secede if their tax position did not improve.

. . .

But Mr Court declined to reject the recommendations of the Access Economics report . . ."

Of course, that report was commissioned by the Western Australian Government. The Access Economics report advocated the elimination of vertical fiscal imbalance by combining State income taxes with possible increases in wholesale sales tax, a broad-based consumption tax and payroll tax. So that is what the conservatives are talking about.

Mr Connor: It was to eliminate payroll tax.

Mr De LACY: I note the member's support for that. Remember the Liberals during the last Federal election campaign? They proposed a GST, a broad-based consumption tax. There might yet be a couple of ways of introducing that. John Howard has said that there will be no GST, but perhaps the States could introduce a GST. Is the Federal coalition working on that? An article in the

Business Review Weekly quotes Mr Costello, the Deputy Leader of the Federal coalition, as stating—

"Providing the states with access to a broad-based tax would allow them to abolish many of the more distortionary taxes . . ."

Was that just an offhanded comment, or is Mr Costello talking to the conservative States? The article goes on to state that Mr Costello says that—

". . . he has had discussions with all the state conservative Governments and oppositions on the issues and they all support the idea . . ."

The article continues—

"But he says the coalition cannot negotiate with the governments in NSW and Queensland until it is in office in those states."

I presume Mr Borbidge or Mrs Sheldon is talking with Mr Costello. What are they talking about? A broad-based consumption tax; this is what is on the agenda. No wonder Mr Howard is running around denying it, but the more he denies it the more Mr Court says, "Well, they are not walking away from it." Mr Kennett says, "We want 80 per cent of the Federal income tax." So there is a plot about broadening the tax bases in the States, but I tell members opposite: it is not coming from the State Labor Government.

School Security

Mr QUINN: In directing a question to the Minister for Education, I refer to the increasing number of attacks on teachers and students by individuals and gangs who come into school premises without permission, and I ask: what action has he taken or will he take to assure parents that when their children are attending school they are not in danger, and to ensure that the teachers are not subjected to physical assault while at work, particularly when the offenders have no regard whatsoever to the laws of trespass?

Mr HAMILL: This follows very much the flavour of the question asked earlier of my colleague the Minister for Police by the Leader of the Liberal Party. Let it be very clear what the law in this State says of those who would enter school premises without good cause. It is an offence under the legislation of the State, an offence which can be prosecuted. Actions have been taken also by teachers who have been assaulted. I suggest that members opposite are trying to paint a picture that there

is chaos in our schools, because it suits their own grubby political purposes to try to portray that in the wider community. It is about time that the Opposition, and the member for Merrimac in particular, started supporting teachers, school communities and the decent kids who attend schools instead of time and time again, on behalf of the Opposition, talking about disruption and chaos and denigrating the work of teachers and students.

This Government also has a number of important initiatives with respect to school security. It is obvious that the Opposition needs to hear a little more of them. I am very happy to talk about them here this morning in response to the honourable member's question. One of the key initiatives that we have announced and that we are implementing in our school security package is the installation of alarm systems in schools to enhance school security. We have also put in place very strong support for the Schoolwatch Program. That has been producing great benefits by reducing damage around schools and by alerting authorities to those who have no business on school premises. There is a range of other measures that this Government will be implementing to ensure that the school environment remains a safe environment.

Victorian Economic Policies

Mr WELFORD: In the absence of any interest from the Opposition, I have another tough question for the Premier. I refer to recent reports of enthusiastic comments from the Liberal Leader and shadow Treasurer that the coalition is taking lessons from the Victorian Treasurer. I ask: could he inform the House what impact the Victorian Government's policies would have on Queensland if they were implemented here?

Mr W. K. GOSS: When one of my staff said to me that the Leader of the Liberal Party was getting instruction from the Liberal Treasurer of Victoria on what one does in the first days in Government, I said, "You're kidding! You're kidding!" I know that she is not quite up to the task—

Mr Veivers: You got advice from John Cain.

Mr W. K. GOSS: Mr Veivers should not interject. Did members opposite see what the Liberals said in the paper about them? I saw this article that appeared in the *Courier-Mail* when I was away last week. What sighs of relief there must have been in the Liberal Party about the election result because of the problems it had with the Nationals. I will not

read it all. Referring to the Nationals, they said—

"They never had to participate in a strategic thinking man or woman's political campaign before."

That is what they said about the members opposite. They said that it was very embarrassing going about with people who use that term "a cup of chino."

Mr SPEAKER: Order! I ask the Premier to get back to the question.

Honourable members interjected.

Mr W. K. GOSS: Very well, Mr Speaker. A cup of chino.

Mr SPEAKER: Order!

Mr W. K. GOSS: They keep interjecting, Mr Speaker, and I respond.

Mr SPEAKER: Order! I suggest that the Premier be allowed to answer the question.

Mr W. K. GOSS: Apparently the other crack the Liberals make is that when he goes to a restaurant and orders a drink, he says, "I'll have a chardon, eh!" Of course, he finishes off the meal with a cup of chino.

To get back to the subject matter—I said to my staff, "Look, not even Mrs Sheldon would do that. I want to see the quote." I have it here. It is a quote from the reader of the ABC news on Tuesday, 24 October—

"The Victorian Government, particularly the State Treasurer, Allan Stockdale, is helping the Queensland coalition prepare this plan."

Mrs Sheldon said—

"I am refining the Treasury document, and Allan Stockdale has very kindly offered myself and my staff to go down to the Treasury in Victoria and they will help even more refine our document of transition to Government."

Let me tell this House what the Victorian Liberals' transition to Government plan involves. I refer to an article from the *Melbourne Age* of 6 June. This is how it started off. Firstly, they axed 50,000 public service jobs. Secondly, they introduced individual work contracts in the public service—so that is part of Mrs Sheldon's plan. Thirdly, they shut 270 schools. They sacked 8,000 teachers. They cut the Health budget by \$220m in the first two years. They introduced higher taxes and charges. They reduced local authorities from 210 to 78. They sold the TAB. They approved a new, privately funded \$1.7 billion tollway. They privatised the buses, shut

country rail lines, and proceeded with a \$10 billion-plus sale of the SEC. That is the Liberals' transition to Government plan, and because the Liberal Leader does not have the wit to draw up her own transition plan we are going to get the Victorian model. The Victorian model would be a disaster for Queensland; it would be a disaster for the jobs of public servants; it would be a disaster for industrial conditions, and, in conclusion, it exposes more than anything else the policy desert that exists opposite. It does not matter whether it is the election campaign or the big issue of this week, workers' compensation, they complain, they whinge, they knock, they name call, but they do not have a policy.

Hospital Funding

Mr HORAN: I refer the Minister for Health to the reported claim yesterday by Dr Brian Senewiratne, a senior specialist visiting physician to the Princess Alexandra Hospital, that the hospital is facing a projected shortfall of \$11m by the end of this financial year and that administrators are already holding secret meetings to devise strategies in a bid to rein in the projected deficit. As similar cash crises are also being predicted for major hospitals such as Prince Charles, Royal Brisbane, Townsville and the Gold Coast, I ask: does this mean that Queenslanders can expect to see more quiet weeks, secretive bed closures and theatre closures during holidays? After 100 days, can he explain why basically nothing has changed and Queensland hospitals remain strapped for cash?

Mr BEATTIE: I thank the honourable member for his question. I actually thought he had died. I am delighted to hear that he is still with us. I am happy to answer this question in some detail. I am extremely delighted that the honourable member made some reference to Brian Senewiratne. I was reading some comments that Brian Senewiratne made about me the other day and I want to share them with members opposite. I think he was dead right. What a perceptive man. In relation to QE II, he said—

"I applaud Health Minister Peter Beattie for his determination and courage in telling health bureaucrats to get stuffed and in doing the right thing."

He went on to say—

"At last we have a minister who has the guts to stand up to irresponsible, ignorant and uncaring bureaucrats in the so-called Health Department who have their own agenda . . ."

Mr Elder: He said complimentary things about me too.

Mr BEATTIE: Of course, he did. Mr Speaker, I would be happy to share what he said about my predecessor, too, but I am sure that you would limit me. He said that we are all stars. He said—

"What Mr Beattie has shown is that they can be beaten and that common sense can prevail."

I table that document for the information of the House. I think honourable members need to be aware of the support that Brian Senewiratne is giving me.

I return to the issue of budgets. After three months—

Opposition members interjected.

Mr BEATTIE: Mr Speaker, can I answer this question? I would be grateful for the opportunity. The noise is horrendous.

Mr SPEAKER: Order!

Mr BEATTIE: Thank you for your protection, Mr Speaker.

Mr Borbidge interjected.

Mr BEATTIE: I would not be too smart if I were you. You have not even visited the Gold Coast hospital. The only time you were there was to do a news conference in front of it.

Opposition members interjected.

Mr SPEAKER: Order! The Minister will address his comments through the Chair. Because of the noise from the back of the Chamber I cannot hear the Minister. I ask members to be orderly.

Mr BEATTIE: Thank you, Mr Speaker. I was replying to the honourable member's interjection, but I have decided not to do that. It would be nice if he visited the Gold Coast Hospital.

After the first three months, which is only 25 per cent of the financial year, it is irresponsible for the Opposition spokesman to make any references to budgets. Anyone who knows anything about finance—which excludes the honourable member—would know that activity increases in the first three months of a financial year. That is what happens at the beginning of a new financial year. The honourable member should talk to one of his mates who knows something about hospitals. That is what happens in the first three months. That happens in every hospital. It happened when the members opposite were in office; it will happen when this Government is in office; it will happen when

any Government is in office. If the member knew anything about finance, he would know that that is what happens in hospitals.

Mr Horan interjected.

Mr SPEAKER: Order! I warn the member for Toowoomba South under Standing Order 123A. The honourable member has asked his question.

Mr BEATTIE: It is important to understand that Health is the biggest Government department. We have a budget of \$2.7 billion. This Government has increased dramatically the amount of money spent on health. Former Governments were not spending anywhere near enough on health.

My responsibility is to make sure that we obtain the best value for the health dollar and I am going to do just that, no matter how much members opposite try to attack and denigrate the people in the health system.

Health

Mr MULHERIN: I ask the Minister for Health to outline to the House what activity has been occurring in the Health portfolio by way of achievements since the commencement of the third term of the Goss Labor Government. Is the Minister aware of any unfair criticism of the Gold Coast Hospital by National Party members?

Mr BEATTIE: I am happy to answer this question. In fact, I am delighted to answer it, and I thank the honourable member for Mackay for asking it. I noticed that students from his former school, St Mary's, were in the Speaker's gallery earlier.

In the 100 days of my consultation, a number of major initiatives have been put in place. Work has started on the Royal Brisbane Hospital. We are rebuilding the fabric of the Queensland hospital system that previous Governments—previous National Party Governments—allowed to be destroyed. We have guaranteed the future of the QE II Hospital. For the benefit of the House, I table the long-term strategy that has been prepared to ensure that that hospital is looked after. Under the National Party, that hospital was not given a role. This Government has given it a future. In addition, we have determined that the PA Hospital will be rebuilt, and we will rebuild a hospital of world standard.

We have guaranteed the future of oncology and cardiac services in Townsville. We have guaranteed the Kirwan Neonatal Unit funding. Last Thursday and Friday, I had lengthy discussions with Dr John Whitehall, the

doctor in charge, about the future of that unit. He is absolutely delighted with the position taken by this Government. In addition, six new mobile dental vans have been put on the road as part of a \$27m commitment to improve oral health services Statewide.

A Young People at Risk prevention program has started, particularly at Yarrabah in north Queensland, to reduce and address youth suicide, which is a matter of some concern to all members of the House. A new Queensland drug strategy has been implemented to reduce the harmful effects of alcohol and drug abuse. A new aero-medical retrieval service has been established to better serve rural Queenslanders. That is a very important initiative to look after people in country Queensland—something that the Opposition never did when it was in Government.

We have provided \$1.5m in primary health care funds. That money has been granted to non-Government organisations to be used in preventive health strategies. We have established a new lung transplant unit at the Prince Charles Hospital. A range of capital works projects have commenced. A tender has been accepted to build the new 130-bed Hervey Bay hospital, and \$8.5m has been allocated to purchase specialist equipment. That total project will cost \$42.67m. Tenders have been let at the Maryborough Hospital for laundry services. Capital works have commenced at Mount Isa.

I turn now to the second part of the question, which relates to unfair criticism by National Party members on the Gold Coast. I refer to comments published this morning in the *Gold Coast Bulletin* which quoted the member for Southport attacking the hardworking people at that hospital.

Mr VEIVERS: I rise to a point of order. The Minister is—I was going to say "telling lies"—telling untruths. I ask him to withdraw what he said because it is not true. I find his comments offensive; they are untrue.

Mr SPEAKER: Order! I ask the member to withdraw the word "lies".

Mr VEIVERS: I withdraw that word.

Mr SPEAKER: Order! The member finds those comments offensive and asks the Minister to withdraw them.

Mr BEATTIE: I withdraw whatever the member found offensive. This morning in the *Gold Coast Bulletin* the member attacked minority groups and what the Government is doing on the Gold Coast. One of the minority groups that the Government is helping is renal

patients. I have made certain that next year the Gold Coast Hospital will have better renal services. Renal patients are in the category of minority groups. I will continue to ensure that they are looked after.

The member for Southport also said that there were not enough sheets at that hospital. There are 1,850 sheets at that hospital which are laundered every day. All that the member has to do is go to the hospital and have a look. I invite the Leader of the Opposition to visit the Gold Coast Hospital—a hospital that he has visited only by standing outside it and holding news conferences.

Wet Tropics Management Authority

Ms WARWICK: I direct a question to the Minister for Environment and Heritage. In light of the launch of the Wet Tropics Draft Management Plan and increasing community speculation and impatience over the Minister's failure to name and appoint a chair for the Wet Tropics Management Authority, I ask: when will the Minister make a decision on that important appointment? Is the former Labor member for Barron River, Lesley Clark, in the running? If the decision has already been made, when will he make an announcement?

Mr BARTON: It is essential that I place on record some of the enormous misinformation that has been spread in Cairns by the member for Barron River, particularly early last week. I will go to the heart of this question. Certainly in the near future I will be taking to the Cabinet a nominee for chair of the Wet Tropics Management Authority. I have before me the credentials of a couple of good people. A decision will be made in the near future after I have taken that matter to Cabinet. Of course, it is totally inappropriate for me to speculate publicly about who is in and who is out. However, I refer to the absolutely inappropriate comments that have been made by the member in the newspapers—firstly by sending me a letter by facsimile, about which I was receiving media requests for comments within 30 minutes of my receiving it.

The member for Barron River claimed that I would be making an announcement last Thursday when I released the draft Wet Tropics Management Plan and that Dr Lesley Clark would be chair of that authority. Quite frankly, the member was wrong, because I did not make that announcement. That is the first bit of misinformation. However, I certainly want to say something about the language used in the letter, which was made public by the member for Barron River, to describe what she believes was an inappropriate attempt by me

to put Dr Clark back on—and I think the term was—"the public-funded nipple of Government". I find that language quite offensive, particularly when it is used by a female member of Parliament.

The member for Barron River also had the temerity to suggest that that was another example of inappropriate action to appoint former members of Parliament, and she suggested that she should have been appointed by the Treasurer to take his place when he could not be part of another body—an unpaid body—that meets in Cairns in relation to Trinity Bay. I believe that suggestion, and suggesting it in public statements denigrating Dr Clark, shows the absolute naivety of this particular member.

Mr De Lacy: They oppose everything, and then they want to run our bodies.

Mr BARTON: The Treasurer is quite correct. Opposition members oppose everything, and then they expect to be brought into the inner circle of Government in this State when, in fact, they are in Opposition.

The member for Barron River also publicly attacked Dr Clark's environmental credentials and her actions in Cairns. Dr Clark has a set of credentials that are well known by people in that region and other people in this State. While she was a member of this Parliament, she did a great job in relation to environmental issues. Certainly her loss of the seat of Barron River had nothing to do with the fact that she is an extremely creditable person who is committed to the environment, not like the current member for Barron River.

School Security

Mr NUTTALL: I ask the Minister for Administrative Services: can he inform the House of what progress has been made regarding the election commitment for the upgrading of school security?

Mr MILLINER: I acknowledge that the member for Sandgate has a very keen interest in the schools in his electorate. He is constantly at my door talking to me about matters such as school security. He is very committed to ensuring that schools in his electorate have the necessary resources.

The school security system has been one of the outstanding successes in relation to public education buildings. It is one of the great initiatives of this Government. No doubt the school security system has made a major contribution towards reducing the amount of vandalism and destruction within our schools. The system has been so successful that

during the recent State election campaign an announcement was made that the Government would commit \$17m to upgrading school security systems.

We have been looking closely at the success of this program and, in some southern parts of Brisbane, the statistics are very encouraging indeed. Of the schools that we have been monitoring, the statistics show that, as a result of school security, the cost of repairs created by vandalism has decreased by something like 72 per cent. That represents a tremendous reduction in costs to the taxpayers of Queensland. Also, the statistics show quite clearly that the number of offences reported at those schools has decreased dramatically—a reduction of something like 40 per cent as a result of the school security system. We now have that system installed in 400 schools throughout Queensland, and in conjunction with the Education Department we are looking at further schools at which the system can be installed. We are undertaking security audits on a number of schools. Already 30 such security audits have been completed. It takes approximately six weeks after the undertaking of a security audit to install a security system. It is a very successful program.

One cannot place a value on the emotional trauma that is saved if vandalism or fires at schools are prevented. A couple of nights ago, there was a very nasty incident at a high school, and a considerable amount of damage was caused by fire. One cannot place a dollar value on the emotional trauma that such damage causes. As well as saving valuable dollars to the taxpayers of Queensland, the school security system is also making a very valuable contribution in saving emotional trauma to people involved in those very unfortunate incidents.

Royal Brisbane Hospital Redevelopment

Mr LINGARD: I refer the Minister for Administrative Services to the architectural design tenders for the Royal Brisbane and Royal Women's Hospital redevelopment—a tender worth approximately \$7m to \$8m in professional fees. The winning firm was a Sydney-based company, DiCarlo Potts, and consultant Daryl Jackson. I ask: is it true that the Sydney company had a competitive advantage as it had drafted the master plan of the project, details of which were not provided to Queensland tenderers? Is it also true that Queensland firms quoted fees \$450,000 lower than the winning New South Wales tender?

Mr MILLINER: I am not fully aware of the claims made by the honourable member in relation to the fees. However, I will certainly look into the matter and get back to him about it. It is true that a master plan was carried out for the redevelopment of the Royal Brisbane Hospital. That master plan was carried out by DiCarlo Potts in conjunction with Daryl Jackson. DiCarlo Potts is a firm of architects that is recognised internationally for its work in the health sector. It now has a Queensland association. As to the other matters raised by the honourable member—I will get back to him with some information about his concerns.

Literacy and Numeracy

Mr BRISKEY: I refer the Minister for Education to longstanding concerns in the community about the levels of literacy and numeracy in our young people, which were addressed by the Goss Government in the Wiltshire report, and I ask: can he advise whether there is evidence that the Year 2 diagnostic net introduced as part of this reform process is achieving results in this important sector of education?

Mr HAMILL: I thank the member for Cleveland for his very timely question because, as parents around the State would be aware—and certainly parents of children in Year 2—the outcomes of the diagnostic net, which was administered this year, will be available as from tomorrow. Parents throughout the State will be invited to discuss those outcomes with teachers as appropriate intervention is put in place to assist those students who have been caught in the net with respect to literacy and numeracy.

The key recommendations of the Wiltshire report focused on the need to address problems relating to literacy and numeracy in our primary schools. I am aware of some preliminary data that has come out about the needs that have been identified by the net across three regions in the State comprising about 6,000 children. That data has shown that one in four children have been caught in the net with respect to literacy. To put it another way: three out of four children in Year 2 have not been caught in the net with respect to literacy.

For those who have been caught in the net, it is only appropriate that intervention take place. As a Government, we have been absolutely committed to this initiative and to providing the resources necessary to deal with issues of literacy and numeracy as they arise. That is why this year the Government has

engaged over 600 key teachers to work in relation to the diagnostic net. Those resources will be directed towards picking up the needs of those children who have been identified. As well, 110 education advisers will also be working with those children. The Support a Reader Program, wherein teacher aides have been trained to work with children, will also be of benefit to those children who have been identified in the diagnostic net. As well, the Reading Recovery Program, which we have been trialling on the Darling Downs—with very good results indeed—is being implemented to again bolster our capacity to deal with those children who need a bit of extra assistance with respect to literacy. The preliminary information that has come to my attention identifies that young boys rather than girls seem to be in greater need of early intervention with respect to literacy. Also, the pattern has been shown to vary across the State—both in regions and across regions. However, an absolute commitment from this Government is that the administration of the diagnostic net is being backed up with real resources to ensure that the kids in our schools get the best education possible and that the needs of children in Queensland schools with respect to literacy and numeracy are addressed.

Schoolies Week

Mr DAVIDSON: I draw to the attention of the Deputy Premier and Minister for Tourism, Sport and Youth that Schoolies Week is fast approaching. At present on the Sunshine Coast there is only one liquor licensing inspector to oversee 300 licensed outlets and their customers. Given the history of this event and the behavioural problems associated with Schoolies Week, I ask: could the Minister advise the House what proposals and initiatives have been put in place to cope with Schoolies Week? Are there sufficient licensing inspectors available, especially at popular schoolies destinations such as the Gold Coast and the Sunshine Coast?

Mr BURNS: The Government has been developing a deliberate campaign to deal with this. We welcome young people to our holiday spots; we are very keen to have them. Over the years, most of our tourist areas have done very well out of the young people who have gone to these coastal resorts to celebrate the end of their school lives. Unfortunately, last year we found that a lot of young people coming from interstate created problems. Therefore, in consultation with Queensland Health, the Queensland Police Service and

the liquor industry, the Government has developed a campaign

That campaign includes an advertising campaign to be conducted on three radio stations in south-east Queensland. The advertisements will run on B105 from 15 to 22 November, and on SeaFM and Mix93FM from 18 to 30 November. A Queensland print advertising campaign is to be conducted in youth magazines. This campaign will run in *Manifesto*, *Rave* and *Time Off* in the weeks leading up to Schoolies Week. Advertising in the mainstream Brisbane print media will ensure that parents are aware of under-age drinking laws. A letter will be circulated to Queensland schools outlining the penalties for under-age drinking, the increased investigative presence during Schoolies Week and the acceptable forms of proof of age for those young people over the age of 18. Double-page features in the November edition of my department's Liquor Licensing Bulletin will inform licensees of penalties for the sale of liquor to minors, acceptable forms of proof of age, and the availability of published resource material to assist them during the period.

I am particularly concerned about the high incidence of southern troublemakers. Last year, four in every five prosecutions against under-age persons during Schoolies Week related to minors from interstate. Obviously, the tourism industry welcomes the many well-intentioned young people from the south. As to the minority of troublemakers who intend to do the wrong thing—I have a simple message for them: stay at home or stay off the booze. If they do not, they will be arrested and prosecuted. I also have a message for southern parents who know that their kids will head north to play up: keep your drunken trouble south of the border.

A campaign has been organised to make sure this message makes its way to southern states. An interstate print advertising campaign will be conducted in youth magazines, including the *On the Street* and *Beat* magazines in Sydney, and the *Impress* and *Drum* magazines in Melbourne. We have requested that articles be placed in school news bulletins circulated by the New South Wales and Victorian Education Departments.

In addition to the awareness campaign, a comprehensive investigation program has been developed for the period. Eighteen liquor licensing investigators will be conducting both day and night operations during the period from 18 November 1995 to 3 December 1995 on the Gold Coast and the Sunshine Coast and in the Brisbane metropolitan area. Smaller

operations have been organised in other regions. We do not want to advertise some of this information; once people know where inspectors will be, they will merely go somewhere else. Inspectors will detect offences relating to the supply of liquor to minors on licensed premises, unduly intoxicated patrons and behaviour of patrons in or in the vicinity of licensed premises. They will try to detect false or defaced identification cards and detect any other offences under the Liquor Act. The State Government will work tirelessly to ensure that the 1995 Schoolies Week is as safe as possible for the youth of this State.

We do not want to deter kids from having a good time and going to our holiday resorts. However, we have to get the message across that they have to behave themselves. If they do not behave themselves, we will throw the book at them.

Heritage Grants

Mr PURCELL: It is a bit hard to beat that Dorothy Dixier, but I will try! My question is directed to the Minister for Environment and Heritage. I understand that the 1995-96 Queensland heritage grants are due to be released shortly. Will the Minister inform the House of the breakdown of these grants and will he tell honourable members what progress has been made under the scheme, especially in the light of the former National Party's shocking record on heritage issues?

Mr BARTON: I thank the member for Bulimba for that question. Of course, in the past, the honourable member has demonstrated his great support of and love for the arts. People are also aware of his support for the built environment, in particular heritage buildings.

Mr Burns: He is such a delicate fellow!

Mr BARTON: The member is such a delicate person—the tutu kid! The heritage grants for 1995 have been allocated. An amount of \$220,000 has been split between 24 projects which are designed to provide support for the research and preservation of many significant cultural and historical sites throughout Queensland. The successful applicants represent a wide cross-section of people throughout the State, ranging from people in urban areas to those on Mornington Island and in western Queensland. In this way, the State Government is ensuring that these sites and structures are protected for future generations to appreciate and enjoy.

It should be noted that about half of the money—some \$113,000—went to projects in non-Labor electorates. That goes to show that each project was assessed by the independent panel of experts on merit and not on any political criteria. That is totally opposite to the way in which the Government grants system was run by the National Party administration in those dark years when it was in Government. Since 1992 when this Government initiated legislation dealing with cultural heritage, there has been an incredible increase in the level of interest in cultural heritage throughout Queensland. This has been reflected in this year's grants program. There were 146 applications seeking a total of some \$6.5m in funding. Of course, funding of only \$220,000 was available. However, that shows the great interest in the community in our cultural heritage. Wherever I travel in Queensland, I am lobbied continuously by people seeking grants of this nature. The successful applicants were chosen by a panel of experts in Aboriginal and Torres Strait Islander heritage and the cultural heritage of this State.

This Government is committed to protecting our cultural heritage. Of course, that is in absolutely stark contrast to the National Party's administration, which ignored any cultural values in favour of a narrow, pro-development philosophy. We need to remember back to when a certain building across the road from this Parliament was torn down. The National Party tore down this State's heritage buildings in the middle of the night. This Government is protecting the heritage buildings of this State in a very fair manner.

Papaya Fruit Fly

Mr PERRETT: I refer the Minister for Primary Industries to a report in Friday's *PNG Courier* which states that the papaya fruit fly was discovered in the western provinces of Papua New Guinea in 1992. As the discovery is in close proximity to Queensland, I ask: was the Minister's department aware of the 1992 discovery? What action was taken at that time to avert the possible spread of the fruit fly into Queensland?

Mr GIBBS: As far as I am aware, the department certainly did have knowledge of the discovery of the fly in New Guinea in 1992. In fact, we have had knowledge of the fly since it was first discovered in Thailand and since its spread to Malaysia, Indonesia, Irian Jaya and Papua New Guinea and from there to the Torres Strait islands. Of course the

department was aware of that. These are professional people whose job it is to be aware of that problem. There was close liaison between my department and representatives of the New Guinea Government. As I pointed out to the House the other day—substantiated by the article to which the honourable member referred—there was seen to be a need for a greater concentration of expertise.

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

SOUTH BANK CORPORATION AMENDMENT BILL

Hon. W. K. GOSS (Logan—Premier and Minister for Economic and Trade Development) (11.18 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the South Bank Corporation Act 1989."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr W. K. Goss, read a first time.

Second Reading

Hon. W. K. GOSS (Logan—Premier and Minister for Economic and Trade Development) (11.19 a.m.): I move—

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

The Bill that I present to the House today will amend the South Bank Corporation Act 1989. The Bill is required in order to place in the principal legislation statutory powers enabling the corporation to exclude persons creating a public nuisance from the South Bank Parklands. These statutory powers will merely give legislative clothing to the corporation's power under the Act to regulate the entitlement of persons to enter the parklands and their conduct and behaviour whilst there.

These powers have since 1994 been contained in by-laws. The original by-law granting exclusion powers for a trial period was the subject of a report to this Assembly last year by the former Committee of Subordinate Legislation. That report concluded that, if the powers were to be retained following the trial, then they should be placed in the principal legislation rather than in a by-law. The committee further recommended that a right

of review be provided for persons aggrieved by an exclusion order. This Bill addresses the conclusions of the former committee's report.

The sunset date for the by-law was extended from 30 June to 30 December 1995 in order to allow for collection of data on the impact of the powers and to allow consultation with local government and interested community groups. All sections of the by-law covered by this Bill will be repealed upon proclamation if they have not first expired. The Government is satisfied that the powers are required for the foreseeable future in order to preserve the South Bank Parklands as an attractive family and tourist recreation area. Use of exclusion powers, rather than police intervention through arrest or proceeding by complaint and summons, has the additional benefit of providing an alternative to criminal law intervention for misbehaving individuals.

The Government has listened carefully to the concerns of those in the community who see these powers as representing an erosion of civil liberties. This Government is indeed most mindful of the need to preserve the civil liberties of the citizens of this State. But I am not convinced that civil liberties would be better served by arresting exuberant troublemakers and locking them in the watch-house rather than by excluding them from the site until they calm down.

I take this opportunity to thank in particular the Brisbane City Council, the Queensland Law Society, the Queensland Council for Civil Liberties and the Youth Advocacy Centre for their comments to this Bill. I am pleased to note that a number of suggestions from these bodies based on exposure drafts of the Bill have been incorporated in the Bill I am introducing today. In particular, the Bill—

- defines exclusion offences in the principal legislation;
- provides the magistrate with the discretion to hear review proceedings in camera or in open court;
- provides that, although legal representation is not allowed for review hearings, juveniles will be entitled to have an associated adult in attendance; and
- confines the operation of the powers to the existing parklands site only.

The purpose of this Bill is twofold. First, it continues existing exclusion provisions of the by-law, making them part of the principal legislation. Second, it establishes procedures for review of exclusion orders. All the powers contained in the Bill, other than the power for

a court to review an order, are at present found in the by-law. The Bill inserts a new Part 5A into the Act, dealing with conduct on the site. "The site" is defined by a by-law in order to accommodate the continual changes to the area brought about by new works and commercial dealings in land. It is the clear intention of the Government, however, that "the site" in relation to exclusion powers is the parklands area only and the term is used in this context elsewhere in the Act.

The Bill provides for security officers or police officers to direct a person to leave the site if the person is found committing an exclusion offence. An exclusion offence is defined as being drunk and disorderly or creating a disturbance. Security officers are empowered to issue a written notice excluding a person from the site for a period up to 10 days where the person is found committing an exclusion offence, or disobeying a previous exclusion direction, and the security officer is of the opinion, on reasonable grounds, that such an exclusion is justified because of the person's behaviour.

Security officers are also empowered when finding persons committing exclusion offences, damaging property or contravening exclusion directions or orders to use reasonable force to bring those persons before a police officer. In order for the exclusion powers to work, security officers and police officers may require persons found committing offences to give their names and addresses. If the corporation believes the circumstances so warrant, it may seek from a court an exclusion order for a period of up to one year. Where a police officer is proceeding against a person on other matters in relation to the same incident, the police officer may represent the corporation in making an application for an extended exclusion order. Where a court exclusion order is sought, the corporation must first give notice and particulars of alleged conduct to the person in relation to whom the order is sought. The Bill also provides that these provisions will apply despite the provisions of the Juvenile Justice Act.

As recommended by the Committee of Subordinate Legislation, the Bill also establishes a review mechanism where persons who believe they have been unreasonably subjected to an exclusion direction issued by the corporation's security officers may have the circumstances examined. A court in the central division of the Brisbane Magistrates Court district is empowered by the Bill to review the reasonableness of an exclusion direction. An

application for review does not in itself, however, stay the operation of a direction.

It is clearly in the interests of all parties for reviews of exclusion directions issued by the corporation or its security officers to be conducted as cheaply and quickly as possible. A court is therefore not bound by rules of evidence in informing itself and parties are not allowed legal representation, except that a child may be represented by an associated adult (as defined). Natural justice must be observed, and the review may be conducted in court or in chambers. No direction may be made as to costs or compensation in respect of an exclusion direction. The Bill provides as an example of how a court may conduct a review that it may allow a party to take part by telephone. A court conducting a review of an exclusion direction made by the corporation's security officers may confirm the direction, set it aside, or issue other appropriate directions. In order to provide for accountability in the use of these powers, the Bill requires the corporation to include a report on the use of these powers in its annual report.

In conclusion, let me say that the use of exclusion powers is seen by this Government as an adjunct, and not an alternative, to urban planning and social program responses to antisocial behaviour, particularly among young people. The corporation and the Government will continue to search for and to implement programs to provide useful outlets for youthful energy. The South Bank Parklands are themselves a major infrastructure investment in the Brisbane community and it is through building on people's sense of community that we can hope to see a general reduction in antisocial behaviour. But we must all recognise that some people will inevitably abuse the superb facilities and trample on the rights of others to tranquil enjoyment. When immediate action needs to be taken, I believe we can all agree that it is better to exclude the offender for a time than to employ the sanctions available under the criminal law. I commend the Bill to the House.

Debate, on motion of Mr Borbidge, adjourned.

COMPETITION POLICY REFORM (QUEENSLAND) BILL

Hon. K. E. De LACY (Cairns—Treasurer) (11.27 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to apply certain laws of the Commonwealth relating to competition

policy as laws of Queensland, and for other purposes."

Motion agreed to.

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

First Reading

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

Second Reading

Hon. K. E. De LACY (Cairns—Treasurer) (11.28 a.m.): I move—

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

In April 1995, Queensland along with other States and the Commonwealth entered into a number of agreements which embodied the reforms known as the National Competition Policy. The Queensland Government was a willing participant in the formulation of this policy on the basis that a national approach to promoting competition will promote higher standards of living for Queenslanders and all Australians through a better use of resources; resulting in lower prices, more growth and more jobs. The 1993 Hilmer report identified the lack of competition in some markets as being a major impediment to economic growth and improved standards of living.

Subsequently, all of the States, including Queensland, have commenced the implementation of National Competition Policy. In Queensland's case, a major feature of the implementation is the undertaking of consultation with key stakeholders with respect to each of the elements of the overall reform package. On this basis, consultation is currently under way with industry, local government, consumer groups and trade unions regarding implementation of the policy. In particular, I note that National Competition Policy has been developed to increase competition in a manner such that society as a whole will be better off. Importantly, it is not being developed as a policy of competition for competition's sake. Instead, it assumes that competition is generally desirable, unless it can be demonstrated, on a case by case basis, that competition will not provide positive public interest outcomes. On this basis, the Queensland Government's approach to the implementation of National Competition Policy will be a pragmatic one which will focus on competition reform outcomes rather than

competition as an end in itself. The ultimate objective of National Competition Policy is to provide more and better services at lower costs to the taxpayers of Queensland. I would also stress that the National Competition Policy does not require, or even encourage, privatisation, nor does it encourage Governments to abandon or reduce their community service obligations.

The National Competition Policy was negotiated in response to the report of the Hilmer committee on National Competition Policy. The Hilmer committee conducted an extensive inquiry, receiving more than 130 public submissions in the process. Further extensive public consultation was had by officers of the Commonwealth, State and Territory Governments as part of the negotiations of the final competition policy package agreed to by heads of Government. This agreement resulted in the passage by the Commonwealth of its Competition Policy Reform Act in June this year. The National Competition Policy embodies a number of reform initiatives which are to be implemented by all jurisdictions within an agreed time frame. This Bill is one such initiative.

The Hilmer committee concluded in its report that the heads of Government had accepted that the competitive conduct rules contained in Part IV of the Trade Practices Act should, in principle, apply to all business activity within Australia regardless of the form of ownership. Exemptions from these rules are to be granted only where a clear public benefit has been demonstrated through an appropriate and transparent process. The subsequent National Competition Policy Agreement provides for the coverage of the TPA to take the form of national scheme legislation.

The Commonwealth Competition Policy Reform Act has, amongst other things, extended the reach of the TPA to State business activities to be effective from 21 July 1996. It remains, however, for the States to pass mirror TPA legislation in their own jurisdictions to cover those areas of activity which could not be caught by the Commonwealth in its own right. The Commonwealth, in particular, lacks the constitutional power to apply the Trade Practices Act completely to unincorporated bodies and the professions. I say "completely" in the context that the Trade Practices Act currently does apply to these bodies in certain circumstances, such as when they trade across State and Territory boundaries, deal with corporations or deal with the Commonwealth.

I have another two or three pages here. I seek leave of the House to have the remainder of my second-reading speech incorporated in *Hansard*.

Leave granted.

It was this lack of constitutional power by the Commonwealth to "cover the field" that enabled the States and Territories to negotiate the National Competition Policy Reform package to achieve an outcome that has significant benefits for Queensland. There are two major benefits for Queensland. Firstly, Queensland retains the ability to authorise by legislation behaviour which would otherwise be in breach of the Trade Practices Act if this is in the public interest. Secondly, Queensland will be eligible to receive approximately \$2.3 billion over 10 years in special payments from the Commonwealth. Both, however, are dependent upon Queensland passing this legislation.

The object therefore of the Bill is to apply the restrictive trade practices provisions contained in Part IV of the Trade Practices Act as the law of Queensland. These provisions form the basis of what has been titled the "Competition Code". The result will be that all business activity, no matter how it is structured or owned, will be subject to consistent competition laws and policies throughout Australia.

Turning now to the provisions of the Bill—the provisions set out a scheme which will result in all businesses being subject to the Trade Practices Act being administered by Commonwealth agencies and being subject to other Commonwealth laws. It is a similar scheme to that adopted for the Corporations Law. Part 2 has the effect of applying the Competition Code as the law of Queensland. The Competition Code consists of—

- the Competition Code text which is Part IV of the Trade Practices Act written so as to apply to persons rather than to just corporations. A copy of this text is set out in the Attachment to the Bill;

- other provisions of the Trade Practices Act so far as they are relevant to the Competition Code text; and

- relevant regulations made under the Trade Practices Act.

Provisions have been included to provide for the delayed application of amendments to the Competition Code text and regulations. This is to enable the States and Territories to be consulted on these amendments. The Commonwealth Acts Interpretation Act will apply to the Competition Code rather than its Queensland equivalent.

Part 3 provides for the citing of the Competition Code to help ensure there is a single national Competition Code applying throughout all participating jurisdictions. Part 4 directs all States and Territories to the

provisions of the Competition Code of Queensland. This provision mirrors the provisions of the Trade Practices Act. Part 5 provides for the national administration and enforcement of the Competition Codes. It provides for functions and powers arising under the Competition Codes to be conferred on the appropriate Commonwealth agencies which administer the Trade Practices Act. The Federal Court is conferred the jurisdiction to deal with matters under the Competition Code. The Commonwealth offence provisions are also applied as is the Commonwealth administrative law to matters arising under the Competition Code.

Part 6 ensures that there is no doubling-up of liability as a result of a person being subject to the Trade Practices Act and Queensland's Competition Code. It also provides that all fees, taxes, penalties, fines and other moneys payable under the Competition Code are to be paid to the Commonwealth. Importantly, clause 39 provides for the State to make regulations which exempt behaviour from the Trade Practices Act and the Competition Code. Such regulations are temporary and are only valid for two years and cannot be renewed. More permanent exemptions must be contained in an Act. Part 7 contains a number of transitional provisions which mirror those contained in the Commonwealth's Competition Policy Reform Act. These deal with the status of contracts made prior to 19 August 1994 which were previously not caught by the Trade Practices Act, the temporary exemption from pecuniary penalties for persons who will now be caught by the Competition Codes and provides for advanced authorisations to be granted by the Australian Competition and Consumer Commission, the successor to the Trade Practices Commission. Part 8 provides for the Competition Code text being set out as an attachment to the Bill. The attachment does not form part of the Bill.

In conclusion, the Bill will result in a consistent set of competition rules applying uniformly to all business in Australia and will result in significant benefits to Queensland.

I commend the Bill to the House.

Debate, on motion of Mrs Sheldon, adjourned.

MOTOR ACCIDENT INSURANCE LEGISLATION AMENDMENT BILL

Hon. K. E. De LACY (Cairns—Treasurer) (11.34 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Motor Accident Insurance Act 1994 and the Transport Operations (Road Use Management) Act 1995."

Motion agreed to.

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

First Reading

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

Second Reading

Hon. K. E. De LACY (Cairns—Treasurer) (11.35 a.m.): I move—

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

In February of last year the Government introduced new legislation in the form of the Motor Accident Insurance Act. This Act was proclaimed to commence on 1 September 1994. This date heralded the start of a new and fairer compulsory third-party motor vehicle insurance scheme in Queensland, especially in the delivery of benefits to injured parties. The need for reform in the compulsory third-party scheme was highlighted by the delay in settlement of claims—four and a half years was the average time from date of injury to settlement. Rehabilitation provision, regrettably, was not a feature of the previous scheme. However, under the Motor Accident Insurance Act it becomes the focus of personal injury management. This must be of particular benefit to those severely injured, and of course there is the long-term reduction in economic and social cost to the community.

Although we are only a little over a year into the new scheme, I am informed that very favourable comment has been received from injured parties, the legal profession representing both injured persons and insurers, the medical profession and allied health providers as well as from underwriting licensed insurers. The Goss Government is totally committed to the continual review of this important social justice legislation to ensure it meets the community's needs. The Government believes it is appropriate now to introduce the Motor Accident Insurance Legislation Amendment Bill. The primary aim of the Bill is to ensure appropriate coverage by the Nominal Defendant, and the opportunity is also taken to introduce amendments that will address any ambiguity or omissions in the original legislation.

I would like to elaborate firstly on the Nominal Defendant situation. The legislation, as it currently stands, involves the Nominal Defendant in cases where the accident

involving an uninsured motor vehicle occurs on a road. By definition the term "road" is given broader application, but there is some conjecture that the definition may exclude from Nominal Defendant cover places like beaches, where people frequently use motor vehicles. The Motor Accident Insurance Legislation Amendment Bill addresses this issue by including a "public place" in the scope of cover and as such affords persons injured as the result of the negligence of an uninsured motor vehicle driver much wider protection. It certainly extends the cover to our beaches. The definition of a "public place" is aligned to the Motor Vehicles Control Act 1975. By adopting this definition, it means that if an uninsured motor vehicle is involved in an accident at a place where the vehicle, at the material time, would have required registration and therefore compulsory third-party insurance, the Nominal Defendant Fund will stand in place of a compulsory third-party insurer. However, the proposed amendment does not broaden the cover to the degree that an uninsured motor vehicle involved in an accident on private property can come within the scope of the Nominal Defendant scheme.

Section 5 of the legislation is subject to further amendment by inclusion in subsection (1)(b) the words "in respect of the insured motor vehicle". The purpose of this amendment is not to alter the application of the Act but rather to make the intent clearer, and this action is further reinforced by amendment of the "policy of insurance wording", which specifies that cover is limited to the insured motor vehicle. Both amendments will have retrospective application concurrent with the commencement of the Act on 1 September 1994.

I would like to refer to the various amendments relevant to the change in name of the hospital and ambulance levy to the hospital and emergency services levy. The concept proposed in this Bill is to alter the component in respect of the ambulance levy to generally cover emergency services. By broadly referring to emergency services, it allows the Treasurer greater flexibility in the allocation of the levy funds to the various public emergency services, reflecting their involvement with motor vehicle accidents. Another area for comment is the extension of the offence of driving an uninsured motor vehicle on a road. The Bill takes into account the public place situation now covered by the Nominal Defendant and also brings in the added offence of permitting the driving of an uninsured motor vehicle.

The owners and drivers of unregistered/uninsured motor vehicles need to take heed that the Government is committed to detecting these vehicles on our roads. In recent months the Department of Transport has upgraded its detection activity, resulting in an increase in prosecutions, both for being unregistered and uninsured. With better technology now available to officers of the department, this activity will be continuing and no doubt will become more effective. As an added warning to owners and drivers of unregistered/uninsured motor vehicles, they are playing Russian roulette with their finances, because if a person is injured and a claim is paid by the Nominal Defendant, the negligent driver and/or owner will be required to repay the amount paid under the claim. Many of these claims amount to several hundred thousand dollars.

The final aspect of the Amendment Bill to mention is the proposed amendment to the Transport Operations (Road Use Management) Act 1995. As I have already stated, there is a very clear obligation for motor vehicles to have compulsory third-party insurance. Officers of the Department of Transport are entitled to carry out necessary inquiries and to bring prosecutions in respect of compulsory third-party insurance, but again by the adoption of the proposed amendment it makes the intent and authority quite explicit.

There was extensive consultation prior to the introduction of the Motor Accident Insurance Act, and there has been ongoing dialogue with the various stakeholders subsequent to the commencement of the scheme. At this point, I must particularly acknowledge the efforts of the Royal Automobile Club of Queensland, the Insurance Council of Australia, the Bar Association of Queensland, the Queensland Law Society's Accident Compensation Committee and other legal groups such as the Australian Plaintiff Lawyers Association who have assisted the Motor Accident Insurance Commission in identifying any possible problems in the operation of the legislation and the scheme generally.

Finally, Queensland is now one of the few jurisdictions that affords motor vehicle accident victims unfettered access to common law and at a reasonable cost to the motor vehicle owner. I believe we have the best compulsory third-party common law system in Australia. I commend the Bill to the House.

Debate, on motion of Mrs Sheldon, adjourned.

**REVENUE LAWS AMENDMENT BILL
(No. 2)**

Hon. K. E. De LACY (Cairns—Treasurer) (11.41 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Stamp Act 1894 and the Pay-roll Tax Act 1971."

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) (11.42 a.m.): I move—

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

The major purpose of this Bill is to ensure that there is a statutory basis for a number of new stamp duty and payroll tax concessions. Certain other amendments are proposed to clarify those circumstances where mortgage duty is payable, and to close off existing avenues for the avoidance of stamp duty on leases and transfers of business licences.

The Bill will amend the Pay-roll Tax Act to exclude from liability for payroll tax those wages paid or payable in Queensland for services performed or rendered overseas for six months or more. The Pay-roll Tax Act currently taxes wages paid in Queensland in respect of services performed overseas. Such wages do not currently form a significant part of the Queensland payroll tax base and are not taxed in Victoria, New South Wales and South Australia. Their exclusion from liability to payroll tax should promote the international competitiveness of Queensland companies.

The tremendous community work of the Queensland Country Women's Association is widely recognised. However, the association currently does not qualify for exemption from payroll tax under the Pay-roll Tax Act. This Bill will exclude wages currently paid by the Queensland Country Women's Association from liability to payroll tax. All future wages paid by the association for non-commercial purposes will also be exempt from payroll tax.

The Stamp Act is to be amended to provide additional stamp duty relief to first home buyers. First home buyers currently do not pay stamp duty on properties valued at \$80,000 or less. A rebate is allowed where the

property is valued above \$80,000 up to and including \$160,000. The Bill will provide additional assistance to first home buyers by increasing the current rebate by \$100.

For example, the normal amount of duty applicable on the purchase of a \$150,000 home would be \$3,975. If the home is to be the purchaser's principal place of residence, the duty would be \$1,500, and for first home buyers it would be \$1,100. Under this Bill, where the residence is purchased by a first home buyer, the amount of stamp duty payable will be reduced from \$1,100 to \$1000. I should point out that the amount of stamp duty payable by a first home buyer on such a property in New South Wales would be \$2,618 while in Victoria the amount of duty payable would be \$5,200.

Where a person claims the principal place of residence concession but fails to notify the Commissioner of Stamp Duties that he/she did not meet the qualifying criteria, the Stamp Act currently provides for a maximum administrative penalty equal to the whole of the duty reassessed without allowance for any duty paid. This Bill reduces the maximum administrative penalty for such failure to notify the commissioner by taking into account the duty paid and limiting the penalty to the amount of the concession given. This Bill will not benefit a person who makes a false application for the concession. The commissioner will prosecute, rather than impose this administrative penalty, in those cases.

The Stamp Act will also be amended to assist Queensland based heavy vehicle operators. Queensland, in conjunction with other State and Territory jurisdictions, with the exception of Western Australia, is implementing the national uniform charges for heavy commercial vehicles from or soon after 1 July 1995. Consequently, heavy commercial vehicles registered under the existing Federal Interstate Registration Scheme will be required to convert back to State registration. The Queensland Department of Transport has implemented the new scheme from 1 July 1995.

Currently, under the Stamp Act an application for registration of a motor vehicle is not liable to stamp duty where the vehicle was previously registered in the same name and stamp duty was paid by that person in Queensland or another State or Territory on the prior registration of the vehicle. In the case of heavy commercial motor vehicles registered under FIRS, stamp duty has not been paid at the time of registration and, therefore, the

subsequent registration of those vehicles in Queensland would be liable to stamp duty.

An exemption from stamp duty will be provided in respect of heavy commercial vehicles—those over 4.5 tonnes gross mass—registered under the Federal Interstate Registration Scheme, FIRS, that are converting to the State scheme. Further, in relation to stamp duty on an application for registration of any new vehicle, the stamp duty will be calculated on the list price less the sales tax component where the applicant is exempt from payment of sales tax. The Stamp Act currently defines the list price of a new vehicle as the price fixed by the manufacturer, importer or principal distributor as the retail selling price at Brisbane. The result is that stamp duty is calculated on a price inclusive of Commonwealth sales tax. It is proposed to exclude sales tax from that price for applicants with a sales tax exemption.

This proposal will provide an expansion of the stamp duty benefits available to primary producers and also benefit the bus and coach industry, which currently enjoys exemption from sales tax as part of the Commonwealth's program to encourage use of public transport. This proposal is confined to new vehicles simply because sales tax is not payable on used vehicles.

The Stamp Act requires amendment in relation to marketable securities because it does not effectively address transfers of marketable securities following the exercise of an option. This amendment was prompted by the commencement of trade in Low Exercise Price Options, LEPOS, a new product offered by the Australian Stock Exchange from 7 April 1995. They are a form of call option pursuant to which, for a premium equivalent to the price of the security, the taker acquires the right, but not the obligation, to buy a number of specified securities at the fixed exercise price. For example, a typical option would be an \$18 premium with a 1 cent exercise price. The proposal contained in the Bill will ensure that, where marketable securities are acquired pursuant to the exercise of such options traded on the ASX, the duty payable is consistent with normal share transactions, and can be remitted by brokers in the same way as duty on other on-market trades. Other States have amended or intend to amend their legislation to give legislative effect to an administrative arrangement implemented with the support of the ASX under which brokers are already paying the duty.

The Stamp Act also requires amendment to facilitate the introduction of a revised and

simplified Notification of Change of Ownership Form, called the combined form. This form is used to notify a change in land ownership for stamp duty, land tax, valuation and rating purposes. This new form will now accompany the Land Registry Transfer Form 1 and truth and correctness of the details contained within the form will be declared on the transfer. This declaration is not a declaration under the Oaths Act, and solicitors may simply sign for either of the transferor or transferee. However, to provide for this new streamlined process, this Bill will delete the requirement under the Stamp Act for the declaration to be in the form of a declaration under the Oaths Act.

Two other amendments to the Stamp Act are included in the Bill. The first is to tax, as leases, licences of premises in certain circumstances. A lease is distinguishable from a licence because a lease conveys the right to exclusive possession. The amendment will ensure that lease duty cannot be avoided on arrangements which are in substance a lease by, for example, providing that the occupier does not have a right of exclusive possession between the hours of 11.30 p.m. and midnight. Arrangements involving annual rent of \$10,000 or less will be exempt, as will arrangements for less than one month's duration or for occasional use. This will ensure that genuine licences for hire of premises, attendance at ticketed events and occupancy of corporate boxes will not be inadvertently caught.

The second amendment deals with transfers of statutory licences. Where a statutory licence is transferred, either by itself or as part of a business, stamp duty applies to the transaction. Some examples of statutory licences include radio and television licences, liquor licences, taxi licences and nursing home licences. It has come to our attention that persons may be avoiding duty on transfers of statutory business licences by arranging for the licence to be relinquished and reissued to the acquirer instead of being transferred. It is proposed to overcome such avoidance and provide clear instructions for the apportionment of duty to Queensland where Commonwealth licences are involved. Western Australia recently amended its Stamp Act to address such avoidance techniques. Northern Territory legislation prevents such avoidance and it is understood that other States intend to address this issue as part of a rewrite of their Stamp Acts.

I commend the Bill to the House.

Debate, on motion of Mrs Sheldon, adjourned.

LOTTERIES AMENDMENT BILL

Hon. K. E. De LACY (Cairns—Treasurer) (11.52 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Lotteries Act 1994."

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) (11.52 a.m.): I move—

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

The purpose of this Bill is to assist in deregulating the relationship between the Golden Casket Art Union Office and its agents. The Bill also clarifies certain issues and will thereby assist in the ease of administering the Lotteries Act. To set the scene for the Bill, I will remind my colleagues that the office conducts the games of Oz Lotto, Gold Lotto, Super 66, the Pools, the Casket and Instant Scratch-Its.

In conducting those games, the office has generated a substantial revenue stream, thereby enabling the Government to continue to meet its social obligations in a whole range of areas. In fact, the office achieved sales of \$607m in the last financial year, from which it was able to generate returns to the Government of \$194.7m. I leave it to honourable members to determine how many more policemen, nurses and teachers those returns were able to provide to the people of Queensland.

The office has produced such results whilst juggling its operations under three pieces of legislation, three regulations and five sets of rules. It took a Labor Government to recognise the need to package all those complex pieces of law into the one legislative package: the lotteries legislation. In the period during which the Act was drafted, a number of important policy matters of the Government were being crystallised. Those matters included the implementation of corporatisation and commercialisation, the release of the Financial Management Strategy and the agreement to take part in the National Competition Policy initiatives. The momentum created by such reforms led to a comprehensive review of the Lotteries Act.

As a result of those reflections, the Bill seeks to strengthen the commercial links between the corporation and its agents by removing the statutory licensing scheme which had been included in the Act. I should clarify that the Golden Casket Lottery Corporation is the term used by the Lotteries Act for the Golden Casket Art Union Office. The corporation currently uses a large network of agents—in excess of 1,200 people—to provide shopfront sales for its products. The corporation appoints those agents via agency agreements or contracts. It does not license those agents to conduct lotteries, it simply enters into an agreement with them to represent the corporation in selling Instant Scratch-Its and other lotteries to the public.

In appointing an agent, the corporation makes a commercial decision that it is more likely to increase its sales through the agent than through establishing its own retail points. In other words, the corporation is simply in a position similar to that of any other retail operation. The corporation needs to examine a range of issues in determining the location of agents within its network. Such matters include, for example, the proposed location of the outlet, the pedestrian traffic past the outlet and the financial standing of the applicant.

The Lotteries Act presently implies that the Lotteries Board should concentrate on advisory matters. However, the valuable work achieved by the interim board has led me to assess the need for the board to expand its role. I have also examined the need to reaffirm the commercial nature of the activities undertaken by the corporation. Having therefore considered the current and future directions of the corporation, I am pleased to be able to expand the functions of the board in this Bill, so that it may guide the continuing growth and prosperity of the corporation.

The Act also currently requires the corporation to establish a regulation in order to set fees for new games or to alter existing game fees. The Bill, however, continues to reinforce the *raison d'être* of the corporation by amending the Act so that the corporation is not curbed by unnecessary red tape in setting the fees for its games. The legislation under which the office currently operates is silent on a number of issues associated with the conduct of games and the returns to players. However, this Bill ensures that the new Lotteries Act will firmly establish the principal elements of the games by clarifying such well-known concepts as jackpots and nationally pooled games, such as Oz Lotto, which are held in conjunction with other States.

Finally, the Bill continues the streamlining and clarification of the legislation which was so ably commenced by the passage of the Lotteries Act. I commend the Bill to the House.

Debate, on motion of Mrs Sheldon, adjourned.

HORTICULTURE LEGISLATION AMENDMENT BILL

Hon. R. J. GIBBS (Bundamba—Minister for Primary Industries and Minister for Racing) (11.57 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the City of Brisbane Market Act 1960 and the Farm Produce Marketing Act 1964."

Motion agreed to.

First Reading

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

Second Reading

Hon. R. J. GIBBS (Bundamba—Minister for Primary Industries and Minister for Racing) (11.58 a.m.): I move—

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

As part of the Government's program of legislative reform and review, a detailed review of the State's horticulture legislation was undertaken in consultation with industry. This Bill, the Horticulture Legislation Amendment Bill, addresses the more urgent recommendations from the review.

Under the Brisbane Market Trust, the Brisbane wholesale fruit and vegetable market at Rocklea experienced a record of continued steady growth over many years in terms of volume as well as infrastructure development. All relevant parties, however, now agree that the time has come to modernise the legislative environment, which has remained essentially intact for over 30 years. Accordingly, the Bill provides for the establishment of an expertise-based Brisbane Market Authority, to replace the Brisbane Market Trust, and a Queensland Horticulture Industry Council to be a major forum for policy interaction between the Government and industry. The proposed combination of an expertise-based administrative authority with a widely based industry policy development council is already in place and working effectively in the sugar,

grain, dairy, fishing, and livestock and meat industries.

The Bill amends the City of Brisbane Market Act 1960 to provide the Brisbane Market Authority with all the powers of a natural person. The new authority will have a greater degree of autonomy over the operation and management of the market than the trust currently does. For example, the authority will be able to decide what other trade and commerce, apart from fruit and vegetable businesses, can be conducted in the market; it will be able to lease market space to these businesses; and it will be able to determine the market's trading hours and access arrangements for wholesale buyers and lessees. The authority will also be able to make by-laws subject to the approval of the Governor in Council. These by-laws will be subordinate legislation.

The Bill provides an avenue for the merits-based review of the administrative decisions of the authority, thereby augmenting the judicial review mechanism provided by the Judicial Review Act 1991. The Bill also provides a limited ministerial power of direction in cases when it is necessary in the public interest that a public sector policy apply to the authority and when it is necessary to issue a direction to the authority in the public interest because of exceptional circumstances. Any such direction will need to be published in the authority's annual report along with the details of the financial impact of complying with the direction.

The seven-member board of the Brisbane Market Authority will comprise a chairperson with a successful record in business management and six other members. Three of these members will possess an expertise relating to the fruit and vegetable industry; that is, one member will have a knowledge of and experience in fruit and vegetable growing, another's knowledge and experience will relate to fruit and vegetable wholesaling, and the third member will have a knowledge of and experience in fruit and vegetable buying. The remaining three members will be persons who are not directly employed in the fruit and vegetable industry and who have a knowledge of and experience in marketing, finance, economics, infrastructure development and maintenance, public administration or industrial relations. The six members of the authority, other than the chairperson who will be a ministerial nomination, will be nominated by a selection committee. In turn, the members of the selection committee, excluding the chairperson, will be appointed following consultation with the policy council.

The Bill will also provide that standard common law conflict of interests requirements will apply to members of the authority by removing the current statutory exemption from such requirements.

The Bill amends the Farm Produce Marketing Act 1964 to establish the Queensland Horticulture Industry Policy Council, which will be chaired by the Minister or the Minister's nominee. An interim policy council has already been formed and was effective in progressing the legislative review to the present stage. The policy council, as established by the Bill, will have an important role in policy development and advising the Government and the authority on industry-wide issues. It will also provide advice in relation to such matters as the authority's strategic plan.

Other than creating and empowering the policy council, the other amendments proposed by this Bill to the Farm Produce Marketing Act 1964 are in the nature of statute revision; for example, converting monetary penalties to penalty units and updating provisions in line with current legislative drafting practice. I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) AMENDMENT BILL

Hon. T. M. MACKENROTH
(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.03 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Local Government (Planning and Environment) Act 1990."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. M. MACKENROTH
(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural

Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.04 p.m.): I move—

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

The Government has a strong commitment to encouraging sound integrated planning of areas experiencing rapid urban growth. It is not acceptable to have housing development on the fringe of an urban area without basic services in place.

Developers in Queensland have responded positively to the planning challenges of the nineties. They are increasingly bringing forward comprehensive planning documents and plans where the programming of the infrastructure is geared to the urbanisation of land. That is to say, the delivery of the social and community facilities is synchronised so they are delivered as the site is progressively developed. The social and economic disadvantage suffered by people when there is a lag in the provision of such services is avoided. The Government supports and encourages this responsible approach to planning.

I seek leave to have incorporated in *Hansard* the remainder of the speech, which outlines the proposal.

Leave granted.

The difficulty is the current Local Government (Planning and Environment) Act does not provide a legal basis to achieve the benefits of long-term integrated planning.

It provides no certainty or security for developers and financiers for these sort of projects which often have a life span of up to 30 years.

Similarly the Local Government (Planning and Environment) Act currently does not allow councils to enter into agreements with developers to provide the regional scale infrastructure and social facilities necessary to support the population who will eventually live in these communities.

At present they are confronted by an outdated statute which inhibits rather than promotes good planning.

In the past, the Government, when confronted with one of these integrated masterplans, has had no option but to pass project specific legislation.

It is ironic that the Parliament should be called on to pass such special legislation to make lawful a better quality development than is permitted under the existing Local Government (Planning and Environment) Act.

The Sanctuary Cove and Robina Town Centre Acts are examples of legislation the Parliament has enacted to deal with such circumstances.

This is of course a nonsense.

The State's planning legislation should be fostering best practice for all development regardless of the scale or location.

Developers are not encouraged to aspire to best practice when the legislation prevents or inhibits their ability to respond to consumer expectations or market trends.

This is why the Government is preparing new planning legislation.

In the meantime, I am aware there are a number of significant urban developments in the pipeline where councils and developers are in the process of agreeing to arrangements for the provision of infrastructure and services.

To produce special legislation to validate each separate agreement is wasteful of developers', local Government's and Parliament's time.

It interferes with the smooth planning of these projects and adds to the costs of undertaking these developments.

These costs of course end up being passed on to the home buyer.

There are four themes which consistently emerge as concerns when these major projects are being contemplated.

They are firstly, the Local Government (Planning and Environment) Act does not recognise the scale of infrastructure needed to underpin such massive undertakings and the financial commitments they imply.

Secondly, because these projects require a large investment in infrastructure at the front end and have such a long life span, financiers want to be sure their investments are secure for the time of their exposure.

Thirdly, local governments want to be satisfied that there is a means to ensure performance of the commitments entered into to deliver infrastructure in a timely and co-ordinated manner.

And finally, people who may subsequently wish to purchase an interest in part or all of the development need to be made aware of what obligations, if any, attach to the land as a result of any agreements entered into by preceding owners to provide certain infrastructure.

The Bill addresses these concerns.

It recognises existing laws in the State of Queensland provide the State Government, local government and Government owned corporations with appropriate powers to enter into agreements to provide infrastructure to service new urban communities.

By infrastructure, I mean services such as water and sewerage reticulation systems, parks, open space systems, road networks, rail, power, telephone, libraries, schools, recreational facilities, hospitals, ambulance, police fire and rescue services.

However, these agreements have had to operate outside of the framework of the State's mainstream planning legislation because of provisions contained in the Local Government (Planning and Environment) Act restricting the range and scale of infrastructure that can be secured at the time of a rezoning.

Special legislation has therefore been required to tie these agreements back to the implementation of the masterplan.

Each time there is a need to alter some aspects of these agreements due to a change in market conditions, housing take-up rates or new information and the particular piece of legislation has to be amended.

This Bill allows such agreements to sit within the framework of the existing Local Government (Planning and Environment) Act overcoming the disadvantages of the 'special legislation' approach I have just outlined.

It also provides project proponents the opportunity to operate within a consistent framework by providing much needed certainty as to what these agreements should contain and how they are to operate within the mainstream planning system.

Mr Speaker I need to make it clear, this Bill is targeted only at the large scale broad hectare urban developments.

It is not intended to affect development applications for rezonings which make up the majority of urban development proposals across the State.

Items for which infrastructure contributions can be required by local governments will remain unchanged and the tests of reasonableness and relevance will still apply to development applications for rezonings, consents and subdivisions or for development approvals, consents or permissions required by a planning scheme, as required by the Local Government (Planning and Environment) Act.

The Bill provides that agreements about infrastructure as defined in the Bill can only be negotiated for land in a development control plan, such a plan being specifically prepared and approved for the larger urban master-planned developments.

This provides a clear threshold and leaves development applications for rezonings, consents, subdivisions and those required by a planning scheme, unaffected by this Bill.

The development control plan will be the planning instrument and will include development criteria to guide the quality of development.

The infrastructure agreement will be the services provision instrument for the development control plan.

The infrastructure agreement will not be a 'de facto' planning instrument, it will, in simple terms, provide for who pays for what, when and how.

Financiers and developers who undertake such projects obtain the security and certainty they are seeking because the Bill ties such agreements to development entitlements contained in the development control plan.

Any changes to the development control plan would trigger a re-negotiation process between the parties to the agreement regarding the implications for the infrastructure agreement, with provisions for financial or other remedies if such changes are made without the consent of the person carrying the obligations.

The Bill provides local government and State Government with the means of ensuring performance of obligations under the infrastructure agreement because these will attach to the land and bind successors in title. I would point out that this is exactly the same arrangement that applies to development applications for rezonings, consents and subdivisions.

The Bill provides for the sealing of plans for registration to be withheld until the relevant obligations which apply at the time, are fulfilled.

Therefore, the Bill will not require any new administrative machinery for its implementation, and the procedures will be familiar to those in local government, the development industry and the community.

Prospective buyers are protected because the existence of the infrastructure agreement and details of its contents will be included in the information provided in a town planning certificate.

Hence the existence of an infrastructure agreement will be made available in checks routinely undertaken as part of a conveyancing transaction.

Furthermore, a copy of the infrastructure agreement must be available for inspection at the council's office.

Once again these particular provisions do not require any new administrative mechanisms for their implementation.

Councils are currently required under the existing Local Government (Planning and Environment) Act to make available for inspection, copies of its planning scheme, local planning policies, planning studies associated with the planning scheme and State planning policies.

These public inspection services are familiar to all in local government, the development industry and the community.

This Bill is intended to operate in the interim until the new planning, development and assessment Bill is considered by the Parliament next year.

That Bill will further clarify and tighten the criteria and circumstances around which provision for the scale of infrastructure anticipated by this Bill can be negotiated.

It ties such provision to 'out of sequence' development, a concept that will provide even greater certainty for the development industry as to when such infrastructure obligations might apply.

Even then developers will only be required to meet the bring-forward costs to facilitate the development proposal ahead of schedule.

This Bill therefore is consistent with the Government's longer term reforms of the State's planning and development system and its commitment to progressively improve the investment climate in Queensland by providing greater certainty and security for business.

I am pleased to report to the House this Bill has the support of the Local Government Association of Queensland and that the Urban Development Institute of Qld have had the draft Bill referred to them for comment.

I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

STATUTE LAW REVISION BILL (No. 2)

Hon. T. M. MACKENROTH

(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.05 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend or repeal certain Acts for the purpose of statute law revision."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. M. MACKENROTH

(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.06 p.m.): I move—

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

I introduce the Statute Law Revision Bill (No. 2) 1995. This Bill continues the task of improving the quality of the statute law of Queensland. The purpose of the Bill is to

improve the quality of the statute law of Queensland by amending or repealing Acts for the purpose of statute law revision. All amendments are required to be concise, of a minor nature and non-controversial. Most statute law revisions are initiated by the Office of the Queensland Parliamentary Counsel as part of its statutory obligation to ensure that the Queensland statute book is of the highest standard.

As the remainder of my speech is the same as the previous second-reading speech I made about this matter, I seek leave to have it incorporated in *Hansard*.

Leave granted.

All amendments take effect from the date of assent unless the contrary is expressly provided.

In some cases amendments are declared to operate retrospectively. In each case the amendments correct minor errors or are technical or mechanical adjustments.

The Bill continues the process of improving the Queensland statute book by statute revision in 5 principal ways.

First, the Bill continues the rationalisation of the types of statutory instruments used in Acts, and also regulation-making powers. Amendments about these matters appear in Schedule 1.

Second, the Bill includes amendments to reduce the fragmentation that exists in Queensland legislation. Fragmentation reduces access to the law by making it difficult to reprint, keep up to date, and find. The Bill addresses this problem by the repeal of amending Acts that have commenced and by the relocation of substantive provisions to a smaller number of Acts. These steps will significantly reduce the number of Queensland Acts.

Third, the Bill includes a number of amendments to facilitate the reprinting of particular Acts and enable the reprinting of subordinate legislation. The Office of the Queensland Parliamentary Counsel is endeavouring to have all current Acts reprinted by early next year and all subordinate legislation reprinted by mid-1996. These amendments are included in Schedules 1 and 2.

Fourth, forms are removed from legislation by amendments included in Schedule 1.

Fifth, the process of identifying and repealing spent and obsolete Acts is substantially completed in this Bill. Many of the Acts to be repealed have long been redundant but have never been repealed. Repeal of the Acts mentioned in Schedules 3 to 8 will improve the Queensland statute book by removing 'deadwood'. Schedules 9 and 10 contain transitional provisions for repealed Acts.

Finally, the Bill includes a range of minor amendments made for statute revision purposes only. The amendments are included in Schedules 1 and 2.

The Bill's format is similar to that used in recent "omnibus" Bills. It contains 7 clauses and 10 schedules. Each schedule serves a particular purpose. For example, Schedule 1 deals with minor amendments for statute law revision.

The Explanatory Notes for each amended Act are placed at the end of its amendments. Each amendment to an Act is numbered and the note explaining the nature of the amendment can be identified readily by reference to the number. The notes are not part of the Bill.

I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

STATUTE LAW (MINOR AMENDMENTS) BILL (No. 2)

Hon. T. M. MACKENROTH

(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.07 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to make minor amendments of certain Acts."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. M. MACKENROTH

(Chatsworth—Minister for Housing, Local Government and Planning, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities) (12.08 p.m.): I move—

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

I introduce the Statute Law (Minor Amendments) Bill (No. 2) 1995. In my speech on the introduction of the first Statute Law (Minor Amendments) Bill in September, I outlined the purpose of statute law Bills and the Government's decision to divide future Statute Law (Miscellaneous Amendment) Bills into two Bills. This Bill continues the task of maintaining and improving the state of the Queensland statute book.

As this speech is the same as the previous second-reading speech that I made, I seek leave to have it incorporated in *Hansard*.

Leave granted.

The Government has consistently maintained the position that amendments may be included in statute law Bills only if they are

- concise, and
- of a minor nature, and
- non-controversial.

These standards are maintained in the statute law Bills I am introducing today.

Because of their size and the range of their amendments, statute law Bills may present some potential difficulties.

One of these is to ensure that adequate information is available to honourable members to scrutinise the amendments they make.

To assist honourable members, in statute law Bills, different types of amendments and repeals have always been divided among different schedules. Statute law Bills have also included detailed Explanatory Notes in the Bill itself. Statute law Bills are unique in this regard. These practices have been continued in the statute law Bills I am introducing today.

In addition, I should mention that the Government has always made the Parliamentary Counsel available to answer any queries that honourable members may have on statute law Bills. This opportunity is, of course, open with today's Bills.

This Bill is the second Statute Law (Minor Amendments) Bill to be introduced into this Parliament. The purpose of the Bill is the same as for the first minor amendments Bill—to improve the quality of the statute law of Queensland by making amendments that otherwise would not justify separate legislation, but the cumulative effect of which may have substantial impact.

All amendments take effect from the date of assent unless the contrary is expressly provided.

As in the first Bill of this type, this Bill contains 5 clauses and a single schedule of amendments.

The more significant of the amendments are briefly outlined in the Explanatory Note. More detailed Explanatory Notes for the amendments are placed at the end of the amendments for each amended Act. Each amendment is numbered and can be identified readily by reference to the number. The notes are not part of the Bill.

I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

EDUCATION (WORK EXPERIENCE) BILL

Hon. D. J. HAMILL (Ipswich—Minister for Education) (12.09 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act regulating work experience given to students as part of their education."

Motion agreed to.

First Reading

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

Second Reading

Hon. D. J. HAMILL (Ipswich—Minister for Education) (12.10 p.m.): I move—

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

The proposed legislation will replace the Education (Student Work Experience) Act 1978. Work experience is a program that provides students in educational establishments with the opportunity to gain knowledge of the world of work, both unpaid and paid, and to explore possible future life roles. Students are able to focus on issues of self and others and develop an understanding of workplace culture.

A work experience placement can enhance the study of subjects and courses. It must be acknowledged that some students lack motivation to learn, that they lack a sense of challenge about the curriculum as they experience it and that they need support to explore and experience what it means to have a vocation in life. Increased confidence and motivation are key outcomes of a work experience placement. Work experience models include—

research work experience used to focus on issues in the workplace, require students to decide upon a topic of inquiry and assume the role of researchers in the workplace;

work shadowing to provide students with the opportunity to learn actively about the role people perform in the workplace;

work sampling to give students the opportunity to test personal vocational preferences; and

negotiated work experience requiring students to negotiate with teachers and work experience providers in defining a

set task or project that can be completed at the workplace.

Work experience placements differ from industry placements. The Vocational Education and Training (Industry Placement) Act 1992 provides for industry placement of students in vocational education and training programs. These programs have been designed primarily to equip students with the skills relating to a particular vocational training course and the workplace component is assessed as the on-the-job component. Currently, work experience is regulated by the Education (Student Work Experience) Act 1978. A review of that Act was undertaken by the Department of Education as part of the Government's systematic review of business legislation program, with wide consultation being undertaken with all relevant constituents including Government departments, State and non-State schools, private providers, regional schooling advisers, universities, colleges, advisory bodies, professional associations, accreditation authorities, industry, and trade unions.

This Bill will update the regulation of work experience in the workplace in terms of current legislation and, unlike the 1978 Act, capture universities and private training establishments in the definition of "educational establishment". The Bill also addresses a number of operational difficulties associated with the 1978 Act. It will: ensure a work experience arrangement exists before work experience begins; recognise that a number of students below the age of 18 are not in the care and control of their parents and hence it will not be a requirement for those students to obtain parental consent to partake in work experience; recognise students with a disability may require a longer period of time on work experience than other participants; require the principal to approve the suitability of a work experience provider; and recognise students may desire to have a work experience placement during vacation periods.

The Bill provides appropriate protection for students and persons providing the work experience. It outlines the responsibilities for entering contracts for workers' compensation insurance and insurance to protect against liability for personal injury or property damage. The maximum amount payable for a single liability claim has been increased to the more appropriate figure of \$5m.

By continuing to provide opportunities for work experience placements, Queensland offers a continuum of flexible workplace-based education that supports the convergence of

general and vocational education. I commend the Bill to the House.

Debate, on motion of Mr Quinn, adjourned.

TRANSPORT PLANNING AND COORDINATION AMENDMENT BILL

Hon. J. P. ELDER (Capalaba—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (12.17 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Transport Planning and Coordination Act 1994, and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. J. P. ELDER (Capalaba—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (12.18 p.m.): I move—

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

The Bill before the House represents an important step in improving the livability of south-east Queensland. It is a Bill to permit the establishment of the South East Queensland Transit Authority—SEQTA—an important plank in the Government's commitment to action on public transport in south-east Queensland. This Government initiative is part of a new approach to dealing with transport planning, service and infrastructure in south-east Queensland. The south east of this State is facing unprecedented population growth and this Government recognises that a new approach to dealing with transport is necessary if we are to maintain the sustainability and livability of the region.

To understand why a changed approach is necessary, it is important to consider how the community's views and understanding of transport and its impact have changed over time. It has only been over the last 10 years or so that the sustainability of the environment has become a widespread community concern. When we discuss the environment, it is now clearly understood that we mean "our environment", not something apart. So it

follows that the impact of transport decisions and operations impact on the community of the region. The SEQ 2001 regional planning exercise clearly highlighted the need for and benefits of increased coordination, particularly for transport and land use planning. The complex relationship between planning for transport and land use will be a prime focus of SEQTA. SEQTA must and will work in close cooperation with the Department of Housing, Local Government and Planning and local governments to ensure the planning for transport sustains and supports land use decision making, while seeking to ensure land use planning makes the most of the existing transport system and promotes public transport usage.

Transport is not an objective in itself, it supports other outcomes for the community. The establishment of SEQTA is a step in ensuring transport plays this role of being: supportive of land use; supportive of people and their communities; and supportive of industry. But the transport which must be provided and operated must also be sustainable for people, communities, industry and the environment.

The Government's commitment to the establishment of SEQTA was announced as part of this new approach to transport in our electoral statement "A 25-year Vision for Better Public Transport". This policy statement outlined our 25-year public transport plan for south-east Queensland. It detailed the establishment of SEQTA and also noted the detailed public transport program, one of the most comprehensive public transport packages yet seen in Australia. The commitment of \$100m over five years to a busway network, together with rail enhancements to the Sunshine Coast and Gold Coast and planning for new public transport corridors throughout the region show the Government has recognised the need and is committed to action in public transport.

The establishment of SEQTA represents the State Government's response to a number of transport challenges currently facing south-east Queensland, including: managing the challenge of rapid population growth; the need for better integration of land use and transport planning; environmental constraints; and the need to restructure historical funding arrangements to allow greater scope to allocate transport funds to those projects which meet the greatest transport needs of the community.

The reason for our concern to ensure the increased public transport patronage reduces

the reliance on private motor vehicles stems from our fear of the future if we do nothing now. The population in south-east Queensland is expected to increase by almost 60 per cent or one million people by the year 2011. This population increase is estimated to lead to an increase in transport trips of more than 80 per cent, which means that the total distance travelled by all motor vehicles in the region could more than double. This would mean that the time taken for trips will double and the average speed would be cut from 46 kilometres per hour to just 26 kilometres per hour. For the travellers and the industry of the region, this would be a harsh burden. This would mean a reduction in industry competitiveness and restriction on the daily lives of all in the community. Increasing public transport usage will not stop all the transport impacts of population growth, but it will provide a more friendly and sustainable alternative way to travel.

Land use will be a key factor in deciding the transport role. Land use planning has the capacity to create more efficient urban forms which are less car dependant. Given that motor vehicle emissions are responsible for 45 per cent of all air pollution and 34 per cent of contributions to greenhouse gases, unchecked growth in private motor vehicle usage is likely to result in extremely serious air quality problems, increased noise levels and increasing dislocation of our urban lifestyle.

To address this need we believe we must have a balanced focus on planning, as well as delivery. We believe it is better to have a small, focussed group looking at the need for changed approaches to transport, and that group is SEQTA. This balanced approach is also reflected in the three guiding principles for the work and operation of SEQTA: attaining ecological sustainability; advancing social justice; and facilitating economic development. We are here to review the Bill to establish SEQTA against a background of ongoing reform of passenger transport.

Honourable members will recall that a year ago we passed the Transport Operations (Passenger Transport) Act 1994 with bipartisan support. Since then, service contracts for urban bus services have been introduced in a number of urban areas including Cairns, Townsville, Logan City, the Sunshine Coast and the Gold Coast. People in these communities can look forward to improved levels of service as the operators introduce new vehicles now being manufactured over the term of the contract. The ongoing changes to bus services, together with the significant investments in rail services and infrastructure,

have been a major focus of this Government. We are now providing a renewed emphasis with the establishment of SEQTA. Passenger transport reform, renewed commitment to rail and the establishment of SEQTA are three vital initiatives of this Government, and a clear strategy for how we will face the future.

I seek leave to have the remainder of my speech incorporated in *Hansard*.

Mr SPEAKER: Order! Is leave granted?

Mr FitzGerald: No.

Mr SPEAKER: Leave is not granted.

Mr ELDER: If Opposition members wish me to read it, I am in a position to do so.

Mr FitzGerald: It's terribly hard stuff to read.

Mr ELDER: It is not a problem with my copy. I was prepared to have my speech incorporated for the benefit of Opposition members. I thought I might save them time and effort by giving them a little late-night reading, but if they wish to take that particular stance, I am prepared to read the speech into *Hansard*.

Mr Dollin: They can't read.

Mr ELDER: That may be the difficulty; they can't read. That is a poor approach by the Leader of Opposition Business in the House, but I am prepared to accept it.

We now know what to do. It is the way we do it that will ensure success. We must continue our collaborative approach with local governments and, now more than ever before, the needs of the community must be identified and addressed in a consultative way. Some individuals have questioned the wisdom of establishing a transit authority, citing the establishment and subsequent abolition of the Metropolitan Transit Authority, the MTA, as evidence that it is not a good idea. I believe hindsight clearly shows the MTA was ahead of its time. It was seeking to address the problems we are facing today at a time when the community was falling in love with the motor car. One limitation of the MTA was its scope—it dealt with the greater Brisbane area, not the region. The approach we have taken to establishing SEQTA recognises the regional nature of transport. The regional nature of our commitment to rail reflects this approach. We are developing a regional rail extension to Robina and have announced planning for further extension to Coolangatta. To the north, we are going to examine the potential for a spur line to the Sunshine Coast. There is a heightened understanding by Governments and the community that such an

approach is necessary to maintain the livability of the region.

Another limitation of the times was a limited understanding of the relationship between planning for transport and land use. The words "land use planning" were not discussed much in 1976, nor was it commonplace to hear of "integrated transport and land use planning". The need to have such an approach today is unquestioned. It is reflected in the Bill and is consistent with the SEQ 2001 projects and its subsequent work. Although some have sought to compare SEQTA with the MTA, the vast majority of comments made by the public support the Government's approach and have given me a very optimistic outlook for the future of SEQTA and the level of public support it will receive.

SEQTA will be a separate powerful authority that controls the State Government's budget for road and public transport in south-east Queensland. It is being established to increase public transport usage in south-east Queensland and to ensure that the transport system preserves the livability of the region. It will specifically focus on integrated transport solutions based on rigorous assessment of economic, social and environmental impacts. The establishment of SEQTA must not be seen as a lessening of this Government's focus on transport in the rest of Queensland. We recognise that the problems facing other parts of the State differ.

The recent pledge to increase road funding in north Queensland by over \$60m shows this Government is addressing the issues of concern with a regional focus. We do not believe that there is one single way to address the issues that differ throughout the State. However, SEQTA is the approach we have taken in dealing with the emerging constraints, particularly in south-east Queensland. Although the need to address growth in private motor vehicle usage is not as pressing as it is elsewhere in the State, there is a real need to continue the reform of passenger transport to ensure there are services available throughout the provincial cities and towns of the State. We need to maintain an emphasis on improving services throughout the State and need to examine opportunities where, in cooperation with local governments, improvements can be made to the operation of public transport, which could include changes to traffic flows through town centres and the provision of bus shelters.

SEQTA must work cooperatively with other governments, particularly in planning for transport and land use planning. Local

governments continually make decisions about transport and about matters which will impact on transport. Cooperation and collaboration in such decision making is vital if the patronage targets are to be achieved. We recognise there is a pressing need to develop administrative arrangements to support the amendments this Bill will introduce to the administration and organisation of the Transport portfolio. It will be done quickly! It will be done to ensure the respective roles of SEQTA and Queensland Transport are clearly distinguished. It must be clear so that the community and stakeholders are aware of the different roles and so that the staff of each organisation know how to go about their business in a complementary manner.

The Bill provides the SEQTA chief executive with all the powers under transport legislation necessary to fulfil SEQTA's functions within the region. Administrative instructions will outline the respective roles SEQTA and Queensland Transport will have in south-east Queensland, including the legislative provisions each will administer. The legislative provisions to be administered by the SEQTA chief executive will provide the powers and responsibilities for the following—

- strategic transport planning, including planning for the provision of transport infrastructure and transport operations;
- establishing performance standards to be met by scheduled passenger services provided under the Transport Operations (Passenger Transport) Act 1994;
- third-party provision of people-mover systems under the State Transport (People-movers) Act 1989;
- approval of certain decisions of local governments under section 40 of the Transport Infrastructure Act 1994 and section 145 of the Transport Operations (Passenger Transport) Act 1994 which would adversely affect State-controlled roads or the provision of public passenger transport; and
- development and implementation of travel demand initiatives to reduce public reliance on private motor vehicles.

SEQTA will not be responsible for certain matters, including—

- building of transport infrastructure;
- administration of vehicle registration or driver licensing requirements;
- limousine, tourist bus, or long-distance bus services;
- tow trucks;

- driving school accreditation or instructor licensing; and
- marine safety or marine pollution.

I, as the responsible Minister, will approve the administrative arrangements under which the portfolio will operate and portfolio legislation will be administered. Honourable members may be aware that a discussion paper on SEQTA implementation has been widely circulated throughout the community for comment. The feedback received on the paper together with the results of ongoing consultation will be used to develop a guide to SEQTA which will also detail the administrative arrangements for the operation of SEQTA.

The Bill before honourable members proposes to amend the Transport Planning and Coordination Act 1994. This approach to establishing SEQTA was chosen to ensure that the suite of transport Acts which have been progressively adopted with the bipartisan support of this Chamber is retained. The objective of the new Part to the Transport Planning and Coordination Act 1994 is to establish a framework for the strategic planning and operation of an integrated transport system in south-east Queensland, ensuring that the provision of the transport system is integrated with the objectives of land use planning.

Essentially, we are proposing that the focus of SEQTA be the strategic planning and operation of an integrated transport system, that is, a system where the most appropriate travel choices are available and cater for the trips resulting from the location of residences, work, education and social activities. But it must also be a system which influences the location of activities in the region. We cannot continually cater for an ever-expanding demand for roads to support widespread and diverse land uses. It is not practical and it is not sustainable. SEQTA will work with industry, operators, local governments and the community to ensure that the travel needs and land use decisions of the region are integrated.

The object also includes increasing public passenger transport use in a way that takes account of social, economic and environmental influences of transport. A range of ways in which that is to be done is detailed. It is also noted that it is Parliament's intention that the objects of the Part are to be achieved in a way which reflects a cooperative relationship between units of the public sector and Government owned corporations involved in the provision of transport infrastructure and operations. This clause has been included to

provide added emphasis to the cooperative nature of the relationship that must exist if we are to succeed in increasing patronage.

Clause 8A(b) establishes SEQTA and provides that SEQTA consists of the chief executive and staff. The fact that clause 8A(c) provides that the chief executive controls SEQTA does not prevent SEQTA from being attached to the department to be supplied with administrative support services. Being supported by an external service provider reduces the need for duplication of SEQTA staff dealing with matters such as human resources and purchasing. The principal function of SEQTA is detailed in clause 8A(d) as being to coordinate the strategic planning and operation of an integrated transport system in south-east Queensland, the other principal function being to manage the allocation and auditing of funds to achieve this outcome.

This gives SEQTA a broad role, but it is no more than is required to achieve the significant changes in patronage to public transport required if we are to maintain the livability of the region. SEQTA will coordinate the strategic planning of the system. There is also a significant proportion of the system that is planned by local Governments, and SEQTA will work with them to coordinate the system-wide issues. SEQTA will not operate an integrated transport system, but it will coordinate its operation. Much of the transport system is operated by local governments—with respect to roads—by public sector entities, such as Brisbane Transport and Queensland Rail, and by private sector operators providing bus, ferry and taxi services. SEQTA will coordinate and enhance their operations through existing legislative structures and by setting performance standards for operation.

SEQTA will, subject to ministerial approval, control allocation of the State Government's road and public transport funding. Under the administrative arrangements to support this legislation, SEQTA will recommend to the Minister the appropriate method to allocate these moneys. Whether it be for the provision of services or the provision, operation or maintenance of transport infrastructure, SEQTA will allocate funds to transport needs where they will provide the greatest overall community benefit. Honourable members will note that in performing its functions SEQTA will adopt a consultative role. The first steps in this direction have been taken with the widespread consultation that has been held with individuals and organisations, the distribution

of the discussion paper on the implementation of SEQTA and the holding of a seminar to canvass issues subsequently covered in this legislation. This spirit of collaboration and consultation with the community, industry and local government will continue. To remain relevant SEQTA must remain aware of the developing issues of concern to the community and the developments and needs of industry and local Government. Members will note that reference is made to developing an integrated regional transport plan for the SEQTA area. The resulting plan which will derive from this important initiative will provide much of the direction for transport in the region. It is expected that a draft of the integrated regional transport plan will be released for public comment in the near future.

The SEQTA board will play an important role in advising the Minister on transport matters for the south-east. As far as practicable, the board must provide balanced representation of Government and community interests. As Minister, I will be hoping that the board can function as a source of advice to me on transport issues in general but also provide reports on the effectiveness of integrated transport planning for the region. Members will note that clause 8AN provides for the chief executive of SEQTA to present the Minister with an annual report. The matters to be covered in the annual report are quite detailed and will provide a further method to assess the impact and operation of SEQTA. The tabling of the annual report in this House will be an annual event and a time when the attainment of the goal of increasing public transport patronage can be verified. Consequential amendments to other transport Acts included in the Bill are to ensure that the modal strategies of the Transport portfolio, be they for a road network or for passenger transport, support any approved integrated transport plan for the region.

In conclusion, I would like to remind the House of just what it is we are attempting to achieve here. For the first time in Queensland history, we have a Government which has outlined a comprehensive vision for the development of our transport system. This is not a vision for the next three or six years. It is a 25-year vision. We are tackling the future head-on in an effort to work with the community to develop a transport system which best meets the needs of the community. Now is the time for action, and we have acted.

SEQTA will represent the beginning of a new phase for transport management in this

State. It demonstrates this Government's commitment to working in cooperation with local governments, the Commonwealth Government, industry and the community to make the right decisions for the entire community. SEQTA will deliver a renewed focus on public transport, based on consultation and cooperation, with a regional emphasis. The additional amendments to transport Acts at clauses 11 and 16 and included in the Schedule are in the Bill to provide an improved transition from repealed legislation and to rectify anomalies encountered in implementing recently enacted transport Acts. The extension of the transitional provisions for the regulation in force under the Transport Infrastructure (Railways) Act 1991 in clause 11 will allow an extended period for consultation on drafting the new regulation. Clause 16 amends the Transport Operations (Road Use Management) Act 1995 to allow the gross vehicle mass—GVM—of a vehicle to be determined in a way other than referring to the compliance plate. This will allow old vehicles without compliance plates or with illegible compliance plates to have their GVM assessed.

The amendments in the Schedule to the Transport Operations (Passenger Transport) Act 1994 are required to rectify anomalies in the transitional arrangements and provide an orderly implementation of service contracts and observing the interests of operators. Amendments 1 to 7 of the Schedule amend the Act to ease the transition to service contracts and are proposed to address anomalies raised in the initial rounds of implementing service contracts for urban bus services. Amendments 8 to 11 of the Schedule delay the entry into force of passenger transport legislative requirements for community and courtesy operators. This will allow for a more orderly transition for the industry and grant sufficient time to identify and advise affected operators. Amendments 13 to 20 rectify anomalies associated with the transition to service contracts. They have been prepared in consultation with industry to provide for a smoother transition in a way which encourages operators to maintain continuity of service while service contracts are put in place. Changes to funding arrangements are necessary to ensure operators providing good levels of service are not overly disadvantaged in the transitional period.

I note that the Leader of Opposition Business must have read the Bill right through, and this strikes me as unusual in terms of his

rejecting my request to have my speech incorporated in *Hansard*. All the same, I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

COURTS (VIDEO LINK) AMENDMENT BILL

Hon. M. J. FOLEY (Yeronga—Minister for Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.35 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to provide for the use of video link facilities for certain court proceedings."

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 Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.36 p.m.): I move—

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

Communication technology is transforming our world. Children are growing up with the facility to access information from all over the globe from their personal computers at home. The courts are not immune from this revolution. Queensland courts are already receiving oral evidence by phone and receiving documents by facsimile in appropriate cases. Technology can help the courts to be more efficient and effective in dispensing justice. However, the power of communications technology must not be allowed to distort the process of justice. The media extravaganza surrounding the O. J. Simpson trial highlighted the dangers of converting a court proceeding into a species of infotainment. The challenge for courts is to have communications technology on tap, but not on top. That is what this Bill tries to do.

This Bill is another example of this Government's willingness to embrace available technology to enhance the court processes in a cost-effective manner. Amendments to the court rules were recently made at the suggestion of the Litigation Reform Commission to allow the taking of evidence or

submissions by way of video link, telephone or similar form of communication. The Bill has application where a defendant is in custody at a correctional institution and is required to be present in court. The Bill requires the use of video link facilities in bail and remand proceedings subject to the overriding discretion of the court. In other criminal proceedings, the Bill gives the court the discretion to allow the use of the facilities between the defendant and the court where the parties consent.

Rather than transporting defendants from the correctional institution for their bail or remand hearing, the proceeding can take place with the defendant participating from the institution by way of video link. The video link facilities can also be used in this way where the parties consent in other criminal proceedings. It is expected that such proceedings would include full hand-up committals, pleas of guilty and taking evidence from the defendant. Use of the video link facilities will remove security risks that are present in moving defendants between the correctional institutions and the courts for bail and remand proceedings. In addition, transport and security costs will be reduced.

The rights of the defendant are strongly protected in the Bill. The Government has given careful consideration to the concerns of lawyers that defendants' access to the courts should not be prejudiced. Although the use of video link technology is mandatory for bail and remand proceedings, the court has the discretion not to use the facilities in the interests of justice. Other safeguards to ensure that the defendant is not disadvantaged by not physically appearing in court are built into the Bill. These include a requirement that the facilities be operated to ensure two-way audio and visual communication between the defendant and the court. Also, facilities are available for the private communication between the defendant and his or her legal representative in court. Such private communication is confidential and inadmissible in the court proceedings. Interstate experience indicates that similar video link arrangements for bail hearings are operating successfully.

Presently, video link technology connecting the Brisbane courts and the Arthur Gorrie Correctional Centre is installed and ready for operation. The Bill is drafted widely to allow use of the technology where it is available in the courts and correctional institutions. This was done in anticipation of expansion of the technology to other regional courts and correctional institutions in

Queensland in line with this Government's commitment to improving the court procedures in a cost-effective manner.

Ordinary citizens are expressing increasing disquiet about the costs of justice and the legal system. The law is often criticised as being cumbersome and Dickensian. This Bill is designed to use modern communications technology to assist the courts to be more efficient and effective in dispensing justice according to the law.

Debate, on motion of Mr Beanland, adjourned.

CRIMINAL OFFENCE VICTIMS BILL

Hon. M. J. FOLEY (Yeronga—Minister for Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.39 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to establish principles of justice for victims of criminal offences, and to make provision for the payment of compensation to them."

Motion agreed to.

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

First Reading

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

Second Reading

Hon. M. J. FOLEY (Yeronga—Minister for Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.40 p.m.): I move—

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

This Bill aims to restore victims of crime to a central position in the criminal justice system. That system too often becomes a theatre of battle between the State and the defendant with the victim relegated to the wings. A crime is not simply an incident which precedes a criminal trial where there is a contest between the prosecution and the accused and his or her legal representative. A crime is first and foremost an encounter between the offender and a victim. Our criminal justice system has at times lost sight of the simple fact that a victim has suffered an intensely personal experience accompanied by often devastating effects.

There has been increased concern, both nationally and internationally, about the position of the victim in the criminal process. At an international level, the General Assembly of the United Nations on 11 December 1985 resolved to adopt the declarations of basic principles of justice for victims of crime and abuse of power. The Government is responding to public concern over compelling issues, such as the impact of crime on victims, the treatment of victims within the criminal justice system and, in particular, the needs of victims for protection, support and compensation and crime prevention. The Bill is the culmination of a comprehensive consultation process going back as far as 1990, when a Green Paper was issued seeking the views of victims and the wider community.

The Bill has a two-fold objective. Firstly, the Bill is designed to improve the delivery of justice to victims of crime. This is achieved by placing into legislation fundamental principles of justice for victims of crime which are to be the guiding principles for public officials in dealing with victims of crime.

Secondly, the Bill details an improved system for the determination and payment of criminal compensation for victims of violent crime. These have been relocated from the Criminal Code and contain several reforms. For the first time, families of homicide victims will receive compensation. Applications for criminal compensation will be simplified.

The Bill declares fundamental principles of justice for victims of crime. The purpose of the declaration of those principles is to refocus the criminal justice system upon the sometimes overlooked position and needs of victims of crime. The principles provide guidance for police, prosecutors and other officials dealing with victims of crime. They will also serve an educative function, in informing victims of crime in plain terms of how they can expect to be treated by police, prosecutors and other officials.

The fundamental principles of justice include the following notions—

A victim should be treated with courtesy, compassion and respect for their personal dignity.

A victim's privacy should be protected and inconvenience to a victim should be minimised.

A victim should be afforded all necessary protection from violence and intimidation by a person accused of a crime against the victim. (Specific amendments to

reinforce this principle will also be made to the Bail Act 1980 and to the Criminal Code by this Bill.)

The welfare of the victim should be considered at all stages of the investigation and prosecution of a crime.

At the sentencing of an offender for a crime, the prosecutor should inform the sentencing court of appropriate details of the harm caused to the victim by the offence. In deciding what details are not appropriate, the prosecutor may have regard to the victim's wishes.

Victims, on request, should be given information about the progress of cases. In all cases, a law enforcement officer should on request advise a victim of information concerning the investigation of the case and the prosecution of the offender. Further, a victim of a sexual offence or a victim of an offence involving personal violence should also, on request, be supplied with details of the sentence imposed on the offender, and other correctional information including the fact that the offender has escaped from custody, and the dates on which the offender is eligible to be released into the community on parole and final discharge. It is intended that a victim will be able to register with the Corrective Services Commission to receive that information.

Victims should have access to information and services for victims including issues relating to welfare, health, counselling, medical, legal help and victim/offender conferencing services.

Victims should have access to information about the availability of compensation or restitution for any injury suffered, or any loss or damage caused. A victim should also be entitled, on request, to have relevant information placed before the court by the prosecutor for an order for compensation for personal injury or for compensation or restitution for loss of, or damage to property caused by the offender. In a case where a victim is subjected to personal violence, and the payment of compensation cannot be obtained from the offender or other sources, a victim should have recourse to a criminal injuries compensation scheme provided by the State.

The Bill also establishes a scheme for the payment of criminal compensation to a victim. The scheme is intended to provide some measure of compensation to help and assist the victim of a crime without the delay, costs

and formality of a civil action for damages. The amount of compensation paid to a victim is intended to help the victim and is not intended to reflect the compensation to which a victim might be awarded in a common law action against the offender for damages. The amounts in the compensation table have been adjusted to reflect the fact that they alone determine the amount paid as compensation. Under the scheme, the maximum amount payable to a victim will be \$75,000.

Queensland has a more generous upper limit than other States and Territories in that this maximum amount of criminal compensation payable to a victim is some 50 per cent higher than the maximum amount of \$50,000 a victim might receive in New South Wales, Victoria, Western Australia, South Australia and the Australian Capital Territory; and some 300 per cent higher than the maximum amount payable in Tasmania and the Northern Territory.

The Bill follows the two tier structure that exists under the current scheme, involving an application to a court where an offender has been convicted and an administrative process where no offender has been convicted or identified or where an offender is unable to satisfy the award of compensation made by a court in favour of a victim against an offender. Court applications may be dealt with informally. A court may receive relevant information in any form and the strict rules of evidence need not apply.

The Bill provides that in determining the amount of compensation to be awarded, a court is required to assess the injuries suffered by a victim according to a "compensation scale of injuries". This scale particularises the sort of injuries a victim might suffer as a result of the commission of a violent crime. The scheme has been designed to simplify the assessment process and reduce the inconsistencies in the awards that were frequently made under the current scheme.

The Bill has increased the maximum amount that can be paid for an injury described as "mental or nervous shock" by 27 per cent to \$25,500. The Bill provides that a court can not award any legal fees incurred in the making of an application. Victims will not be disadvantaged. In fact, they will in a better position than they are under the current compensation scheme.

Under the current scheme, most victims retain private legal representation, thus incurring significant legal costs. In some cases, the legal costs incurred by victims have been

in excess of the compensation award made in their favour. The Bill enables the prosecutor or officers within the office of the Director of Public Prosecutions to be available to assist victims in making an application for compensation. Victims will also be free to represent themselves or retain their own legal representation.

The representation of victims by officers of the Director of Public Prosecutions and the prohibition on orders for legal costs are part of a serious attempt by the Government to expedite criminal compensation awards for victims and to avoid the massive legal costs incurred under similar schemes in other jurisdictions. The intention of the reform is to replace a slow and cumbersome procedure for criminal compensation with a speedy, simple one in the interests of crime victims.

The Bill permits compensation to be paid to dependants of a victim of murder or manslaughter (up to \$20,000) and for the payment to a victim's family of funeral (up to \$4,000) or other expenses (up to \$1,000) incurred due to the murder or manslaughter. These sums can be accessed on application to the Government, thus avoiding delay.

The Bill amends the Criminal Code to empower a court to prohibit the publication of information about the address of a victim of violent crime. This is in response to fears expressed by victims about the risk of further violence being done to them. Similarly, the Bail Act is amended to require the court or police officer to consider whether an accused person would if released on bail endanger the safety or welfare of a victim.

This Bill aims to help victims. It is part of an evolution of our criminal justice system away from a purely adversarial model between State and defendant and back to basic concerns about those lives that have been shattered by violent crime.

I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL (No. 2)

Hon. M. J. FOLEY (Yeronga—Minister for Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.48 a.m.), by leave, without notice: I move—

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

Relations Act 1990 and the Public Service Management and Employment Act 1988, 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 Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts) (12.49 a.m.): I move—

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

This Bill proposes amendments to the Industrial Relations Act 1990 and the Public Service Management and Employment Act 1988.

Industrial Relations Act

The Bill continues the practice of ensuring that the provisions of the Industrial Relations Act bring more efficient and equitable procedures into the industrial relations system in Queensland. Major changes in industrial relations in Queensland were introduced with the Industrial Relations Reform Act 1994. The specific areas being reviewed relate to unlawful dismissals and the powers of the Industrial Registrar.

Unfair Dismissal Provisions

With respect to unlawful dismissals, there has been a perception in the community that often remedies are given for breaches of these provisions based only on procedural grounds without regard to the overall circumstances of the particular matter. To overcome this outcome the Federal Government is amending the Federal Industrial Relations Act 1988. To ensure that the Queensland legislation retains its harmony with the Federal legislation and to remove any doubt as to the meaning of similar provisions in the Queensland legislation, it will be amended. The amendment will require the Queensland Industrial Relations Commission to consider "all of the circumstances of the case" in determining applications for unlawful dismissal. The commission may decide not to give an employee a remedy, even though the employer has not met all the statutory requirements to dismiss. This approach conforms with the practice which has been followed by our commission.

There has also been some confusion surrounding the power of the commission and of an industrial magistrate to order compensation where the employer has failed to give the employee the appropriate notice of dismissal under the Act or the appropriate compensation in lieu of the notice. The amendment makes it quite clear that on an application before the commission for unlawful dismissal the commission may make an order for compensation in such circumstances. Similarly, in matters brought before an industrial magistrate, the industrial magistrate has the power and may order an employer to pay an employee compensation where the employer has not given the employee the required notice or paid compensation in lieu.

Provisions relating to Industrial Registrar

The amendments in relation to the Industrial Registrar are to provide authority for the Industrial Registrar to delegate the powers of that office to the Assistant Industrial Registrar or to another person nominated by the President of the Industrial Court. Under existing arrangements, while the Assistant Industrial Registrar assists the Industrial Registrar in the performance of the Industrial Registrar's functions, the assistant is only empowered to exercise the statutory responsibilities of the registrar when that person is temporarily absent from duty. The assistance provided by the Assistant Industrial Registrar will be more effective if the powers of the registrar can be delegated as required.

The proposal that the registrar's powers may also be delegated to another person nominated by the President provides added flexibility by allowing the delegation of the powers should this become necessary to meet the demands of the Industrial Registrar's Office. It is believed that the amendments proposed will result in the Industrial Registrar's Office providing an improved service to its clients.

As I have indicated to the House previously, there is an ongoing responsibility to monitor all existing industrial relations practices and procedures so that they are up to date and meet contemporary needs. I believe the amendments to the Industrial Relations Act contained in this Bill achieve these objectives.

Public Service Management and Employment Act

The Bill also makes an amendment to the Public Service Management and Employment Act. This amendment will enable the Governor in Council to delegate the power to create and abolish certain offices in departments to the chief executive of the department, to enhance

the process of effective total work force management, monitoring and reporting in the Queensland public sector. The delegation of the power to create and abolish offices is an important part of this Government's Public Sector Workforce Management Policy. This policy will be implemented by chief executives and all managers, in conjunction with other sector-wide strategies, such as the Financial Management Strategy, enterprise bargaining agreements and best practice initiatives, to ensure that quality outcomes for the social and economic development of Queensland are produced by the public sector. The work force management practices which accompany the policy will contribute to a more efficient, effective and accountable public sector.

The current highly centralised establishment system of controlling public service staffing levels is widely perceived as being inconsistent with contemporary budgetary and managerial reform objectives. Employment in the majority of the public sector is determined by various other statutes, as well as by temporary and casual employment arrangements outside of the position-based establishment system controlled through the Executive Council. In effect, the budget process, emphasising measurable outcomes through program management, and not the establishment system, serves as the primary control over agency salary expenditure and therefore the size and composition of the total public sector work force.

The current establishment system does not facilitate the responsive and flexible management required in today's public service. Chief executives already have the power to reallocate large funds within program areas and, subject to Treasury endorsement, between program areas. However, they need to gain Governor in Council approval to create even the most junior positions within their organisation. Additionally, it is seen as hindering chief executives' ability to respond quickly and flexibly to Government priorities.

A principal element of the Workforce Management Policy is to improve the flexibility of chief executives' powers to manage their human resources to achieve cost effective and productive deployment of the available public sector work force, in accordance with approved program priorities. The efficient management of human resources is of strategic importance to this Government in terms of current and future budgetary implications for the provision and delivery of public policy and program outcomes. This is to be achieved through a

staged delegation of position creation and abolition powers to chief executives or their delegates, in conjunction with significantly improved monitoring and reporting mechanisms.

The staged delegation of establishment powers applies only to sub-SES public service positions established under the Public Service Management and Employment Act. An agency's progression will be conditional upon its capacity to deliver work force reporting, and implementation of appropriate program performance management systems, including identification of measurable program outputs and outcomes. Piloting of the information reporting element of this policy commenced on 1 July 1995. The delegation of the power to create and abolish sub-SES public service positions will be implemented in two stages, commencing on 1 January 1996.

The Bill also makes some minor technical amendments to the Public Service Management and Employment Act to correct a provision which currently contravenes fundamental legislative principles. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

BILLS: REMAINING STAGES

Allocation of Time Limit Order

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

"That under the provisions of Standing Order 273 the following Bills be declared urgent to enable them to be passed through all their remaining stages at this day's sitting at the times specified—

Appropriation Bill (No. 2)—

Second Reading at 4 p.m.;

Report from the Committee of the Whole at 4.25 p.m.; and

Third Reading at 4.30 p.m.

Coastal Protection and Management Bill—

Report from the Committee of the Whole at 5.25 p.m.; and

Third Reading at 5.30.

At the times so specified, Mr Speaker or the Chairman, as the case may be, shall put all remaining questions necessary to pass the Bill including

clauses en bloc and any amendments to be moved by the Minister in charge of the Bill, without further amendment or debate."

Mr FOLEY: I second the motion.

Mr FITZGERALD (Lockyer) (12.56 p.m.): I wish to speak to the motion before the House. This is a gag motion; I understand what it is about. This is a very important motion and I ask the House to consider very seriously that it is a money Bill before the House—Appropriation Bill (No. 2). Many members wish to speak to the appropriation of Supply by the House because it is important.

I can assure the House that members on this side of the House have not been filibustering. If Government members read the speeches that have been delivered by honourable members on this side of the House, they will find that, one after another, they are giving Government members a lacing. There is plenty more to come. The members on this side of the House wish to have the right to speak for their full, allotted time if they so desire. It is an honourable member's right to do so.

A Bill granting Supply is a very important matter to have before the House, especially when the numbers in the House are balanced so delicately that we are precariously on the edge of being plunged into a change of Government or possibly plunged into another election. All honourable members are aware of the result if the Government falls on a matter of Supply. If the Government fails on the question of granting Supply, the Government falls.

In addition, one member of this House—and possibly two—may in the future be deemed to have not been properly elected to this House. What I am saying is of utmost importance.

This is a matter of Supply. I have checked to find out what happens when an attempt is made to gag a Supply Bill before the House. As the numbers in the House are precariously close, it is quite possible that the vote on this motion could be 44 on either side of Mr Speaker, and Mr Speaker will be placed in the position of deciding whether to gag debate on a Bill granting Supply. My checking has revealed that, if Mr Speaker casts his deciding vote in favour of the gag, he will be the first Speaker in the Westminster system to do so since 1796, when the precedent was set that a Speaker shall not have a casting vote on a motion to gag further debate on a Bill.

Mr Mackenroth: On a Thursday—don't forget—on a Thursday.

Mr FITZGERALD: No, 1796. The Leader of the House is willing to put Mr Speaker in a position that he will be asked to cast the deciding vote if the numbers are even.

Mr SPEAKER: Order! I have the feeling that this debate will go on for some time; therefore, I think that lunch will be good for all of us.

Sitting suspended from 1 to 2.30 p.m.

Mr FITZGERALD: Before the luncheon break, I outlined to the House the seriousness of a gag motion for this Parliament, which is in a delicate position with regard to numbers. I wish to emphasise one point—those of us who have been members of this place for a long time would know this, but some of the newer members might not know—and that is that although the motion is to gag the Appropriation Bill, it will have no effect upon the fate of the Government. We are not debating the Appropriation Bill; we are debating the motion to gag the debate on that Bill.

Mr Speaker, during the luncheon break I had an opportunity to consider the delicate position in which you have been placed. As I said, since 1796 no Speaker has given his or her casting vote against the continuation of a debate. Speakers have given their casting votes in various directions otherwise.

Mr De Lacy: It will go down in history. It will be in *Hansard*.

Mr FITZGERALD: Someone might like to read this if, as the Treasurer seems to think, Mr Speaker votes in support of the gag. According to Speaker Addington in relation to the decision in 1796—and he knew which way he was going—the Speaker should always vote for further discussion where this is possible.

Mr Mackenroth: Where possible.

Mr FITZGERALD: The Leader of the House says, "Where possible." I would like to know the importance of not allowing a debate to continue. What has ruffled the member's feathers? The Appropriation Bill is being debated fully, and I cannot recall one member being warned for tedious repetition. It has not happened. I suggest that many matters are yet to be mentioned. I know that the honourable member for Warwick wanted to raise a matter involving a number of—

Mr Springborg: Ten.

Mr FITZGERALD: Ten families have been moved out of Wallangarra because of changes in the railways. The member has an important matter to raise. He raised this issue with me. He said, "This is what I want to talk about." I will not outline what the member was going to say.

Why the rush? This is the fourth sitting week of the new Parliament. The first week was largely ceremonial. During the first three sitting weeks, we sat after dinner on one occasion. Members spoke to the motion for the adoption of the Address in Reply and Parliament did not sit a double day. Four hours is allotted in a sitting day for the debate on the motion for the adoption of the Address in Reply. It was customary for previous Parliaments—certainly under coalition Governments—to sit double days so that those matters could be dealt with and all speakers would be allowed time in which to speak. We also have another two days for the Address in Reply debate. That is fair enough.

This Government is now attempting to gag the debate on the Appropriation Bill. We could have debated this Bill during a previous sitting instead of Parliament rising early. I do not know why Parliament had to rise so early. Because of the late nights this week, members have certainly earned their tucker. Of course, many Bills have been introduced.

Mr Borbidge: For two days running, Parliament sat for three hours.

Mr FITZGERALD: That is a fact. Today, 18 Bills were scheduled to be introduced, and the majority of them have been introduced. I do not know whether I have upset a Minister or somebody else because I objected to leave being granted to a Minister to incorporate his second-reading speech in *Hansard*. Prior to that four or five second-reading speeches had been incorporated in *Hansard*. I then objected to leave being granted when a Minister sought leave to incorporate his speech in *Hansard*. I thought it was proper that we have time to digest some of these Bills that were coming before the House. It is not my fault that 18 Bills were rostered to be introduced in one day—an important day because the appropriation legislation was to be passed. Of course, members do not know when matters are going to be debated in this House.

I know that Opposition parties always claim that they want democracy. I, too, want to see more democracy. I am proud to say that, while I have been in Opposition, I have wanted to see democracy and I will certainly ensure that we have democracy when I am in Government.

Mr Mackenroth interjected.

Mr FITZGERALD: The Leader of the House might laugh about it, but Parliament has not sat late. Up until this week, Parliament has sat after dinner once. Now 18 Bills have been introduced. I asked that the last couple of Ministers who introduced Bills read their second-reading speeches fully so that at least there would be time to have them distributed, examined and digested. I think that is only proper. I do not mind consenting to a second-reading speech being incorporated in *Hansard* if a Minister has lost his voice or is ill. However, on this occasion, four or five second-reading speeches were incorporated in *Hansard*. I do not know whether, because I objected to that, I have offended Government members.

The other matter that I wish to raise is the limit on the debate of the coastal management resource—

Mr Mackenroth: He doesn't know the name of the Bill.

Mr FITZGERALD: I wanted to use its correct title. It is the Coastal Protection and Management Bill. That is a very sensitive Bill for many members in this Chamber. I know that the Opposition wanted to move amendments which would be debated publicly. It would then be open for people to see whether the Opposition's position was correct or whether the Government's position was correct. What is the Leader of the House running away from? He copped a fair bit of stick from shadow Ministers and other speakers during the debate on the Appropriation Bill. If we are allowed to continue, he will cop a lot more. The Opposition also had a lot to say about the Coastal Protection and Management Bill.

Mr Schwarten: Like getting slapped with a wet lettuce leaf.

Mr FITZGERALD: The honourable member for Rockhampton thinks that he is getting slapped around the ears with a wet lettuce leaf. That bunny would chew on it if he could.

The fact is that this is not about an ordinary gag motion. I explained before that the numbers in this House are extremely close. For quite a few divisions, Mr Speaker has had to give the casting vote. Mr Speaker, I submit that if a division is called and members are divided evenly on this matter and you are in the position in which you have to give your casting vote, you should consider seriously the fact that if your casting vote goes in favour of the motion moved by the Leader of the House, you will be the first Speaker who

did not allow further debate when a member wanted to continue a debate. Certainly Mr Speaker would be adhering to the wishes of the majority of the House, and I accept that. Of course, it is fairly rare in the House of Commons for a Speaker to give a casting vote on such matters. But a precedent has been set. I have checked as thoroughly as I can, but I cannot find a casting vote in the Queensland Parliament ever going—

Mr Livingstone interjected.

Mr FITZGERALD: Can the honourable member for Ipswich West recall an occasion in the Queensland Parliament or in any other Parliament when a Speaker has given his casting vote against the continuation of a debate? I am asking him straight. Can the member recall that happening? He cannot!

Today will not be remembered as the day that the Appropriation Bill was gagged. That will just be fish-and-chips wrapping in a couple of days' time. It will probably be used to light a fire somewhere. The issue is what Mr Speaker does. I remind honourable members that this motion will not bring down the Government. Those members opposite who are worried about losing their superannuation should not be too worried because this motion is not going to be a problem for them. Those members who have been members of this place not quite long enough to pick up a reasonable payout—those who were elected after 1989—should not be worried by it. They might start thinking about getting another job after the next election, because I can assure those members that many of them will find themselves in that position. However, the passing of this motion would not lead to the collapse of the Government. The Speaker has been placed in this position by the Government. Members should have read pages 350, 351 and 352 of the twenty-first edition of Erskine May before they placed him in this position.

Mr Speaker, I respect your having a casting vote on all other occasions. I do not think there has ever been any criticism of you. I certainly would hope not, because we respect the high office that you hold. I cannot remember an occasion when Mr Speaker has given his casting vote that any member on this side of the House has uttered any disgust or disappointment out aloud. They might have felt it inwardly at times, but I have never heard such thoughts expressed. I mean that sincerely. We know how the game is played and what the rules are.

However, this is a different issue. This is a question on whether a gag should be applied.

Mr Speaker, I ask you to consider this very carefully before making a decision. I leave it to your conscience and how you are going to explain your decision if you choose not to go this way. I presume you would be supporting me in my appeal to allow the debate to continue. I can assure you that the debate will not be lengthy. Many members want to speak in the debate. I respect the Chair's powers in the case of tedious repetition. After warning, if a member continues to be repetitious, it is the right of the Speaker and Deputy Speakers to sit him or her down. I respect that right and I will not argue if it is the Speaker's opinion that a speech is tedious repetitious.

Hon. K. E. De LACY (Cairns—Treasurer) (2.42 p.m.) I do not want to contribute for very long, because I find this whole debate a lot of humbug. I have never seen so much mock outrage in my life.

I would like to take up on one issue. The Leader of Opposition Business in the House implied that this was a very important piece of legislation and that it delivered Supply. It does no such thing. It is merely a technical Bill. All it does is appropriate unforeseen expenditure for 1994-95. I can give all members an assurance that Supply has been secured for the whole of 1995-96. Members do not have to worry about that. This is an Appropriation Bill to appropriate unforeseen expenditure for 1994-95. Obviously, it needs to be passed to for their to be compliance with the Financial Administration and Audit Act. It is important in that sense, but all the humbug that has been carried on here by Mr FitzGerald is just nonsense—he used the words "tedious repetition".

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (2.44 p.m.): In joining the debate this afternoon, I will correct some of the patently dishonest remarks that have been made outside the House by the Leader of the House at a press conference.

Mr MACKENROTH: I rise to a point of order. I ask the Leader of the House to withdraw the comment that I made a dishonest statement.

Mr BORBIDGE: I withdraw. I wish to respond to some of the childish, inane and stupid remarks made by the Leader of the House.

Mr MACKENROTH: I ask the member to withdraw those stupid, inane and childish remarks.

Mr SPEAKER: I find those remarks offensive and ask that they be withdrawn.

Mr BORBIDGE: Some of those "silly" remarks? Is the member happy with the word "silly"?

I wish to comment on the bog that the Leader of the House seems to have got himself into and some of the inaccurate statements that have been made to this afternoon justify the exercise of the gag on the Appropriation Bill and other legislation. Part of the reason that we are having this debate is that apparently I have somehow reneged on an agreement to allow the Premier to go to dinner at Michael's Restaurant tonight.

I wish to clarify the situation. I think it is important that the Government understands where we are coming from, because hopefully some good will come of the mess that the Government has brought on this afternoon. Government members should just listen. The facts are quite simple. I indicated early in the life of this Parliament that, whilst pairs were not on because the Leader of the Government had not been interested in pairs in the six years that he had been Premier of this State, when there were extenuating circumstances—where there was a COAG conference, a Premiers Conference, a member was ill, a relative of a member was ill or there was a natural disaster—if the Premier wished to raise the need for a pair with me it would be given very careful and sympathetic consideration on a case-by-case basis. The fact is that we do not have a pairs agreement. Where a pairs agreement exists, there is a book on the table of the House. The arrangement is that the two members who are paired sign that book to give it authority and status. What I say to the Leader of the House is really quite simple: there have been no protocols put in place and no request has been made from the Premier to me specifically in regard to this exercise tonight.

Mr Mackenroth: You didn't say that this morning.

Mr BORBIDGE: Exactly, because there was no formal approach. It has to be formalised. If the Premier wanted me to give him leave tonight, we could have exchanged letters. It is as simple as that in the absence of a pair book, and that exists in every Parliament in the Westminster world that has pairs. Where is the pairs book for me to sign? There is not one. That was the simple condition which was laid down.

Debate on the Appropriation Bill is to be gagged for no reason. The Premier could have had a pair if he had exchanged letters with me and the House could have continued the debate. However, the member for Logan

is so arrogant and high-handed that he cannot bring himself to ask. He cannot even ring up and say, "Can we exchange an agreement? Can we have two signatures on a piece of paper so that I can have a pair in order to take the other Premiers out to dinner tonight?" It is as simple as that. If the member for Logan had observed that common courtesy in respect of a pairs arrangement, this motion would be totally and absolutely unnecessary—the Parliament could have continued sitting and we would not have a problem. But that is not the way the Leader of the House likes to run things.

While I am talking about the Leader of the House and the gagging of debate on this Bill this afternoon, I place on record a few statistics relating to the management of this Parliament by the Leader of the House in the weeks that we have been sitting. I put it in terms of this gag motion.

On 5 September, we sat for one hour and twenty minutes. We were electing you, Mr Speaker, and that was an important day. On 6 September, the Governor made her opening address and we sat for 49 minutes. On the first working day of that week, we sat for five hours and 22 minutes. On 12 September, we sat for six hours and 18 minutes; on 13 September, two hours and 46 minutes; on 14 September, 11 hours and 42 minutes; on 15 September, four hours and 40 minutes; on 17 October, six hours and 30 minutes; and on 18 September, three hours and two minutes—that was a heavy day. However, not to be outdone, on 19 October we had to beat the record of the previous day and we sat for three hours and three minutes. On 20 September, we sat for four hours and 54 minutes; on 31 October, 12 hours and 24 minutes; and on 1 November, eight hours and 35 minutes. Into the fourth week of the parliamentary sittings we have sat late on only two nights, and they have been this week. For the total sitting days—13 sitting days of the 110 days of action of the Goss Labor Government—we have sat for 71 hours and 25 minutes. Government members sure believe in the 35-hour week. It has been a disgrace.

What have we had? We have had no legislation until today. But, of course, when the Government wants cooperation from our side of the House, when its Ministers want a bit of relief so that they do not have to read right through their second-reading speeches, we cooperate. What do we get in return? Appropriation Bill (No. 2) and one of the most important pieces of legislation to come into this Parliament in years will have to be

debated in only about an hour. What a disgrace! Allegedly, this is all because I will not let the Premier go to Michael's tonight. The Premier can have the night off. I do not care. However, let us put in place the protocols to enable this place to work properly.

Mr Ardill: What's your protocol on funerals?

Mr BORBIDGE: The honourable member should listen for a minute. If he wants to talk about protocols, let us talk about Westminster. In every Parliament where there is a pairs agreement the book is on table. The members sign the agreement. All I have said to the Leader of the House and the Premier today is that, in the absence of that agreement, we will sign a piece of paper so that the numbers in the House will respect the signatures of the two members participating. But that is not good enough. The Premier cannot bring himself to negotiate with the Opposition so this afternoon he sent in his lackey the Leader of the House to carry out these disgraceful arrangements.

Mr Speaker, as the Leader of Opposition Business, the member for Lockyer, has pointed out, the Government has placed you in a difficult position. I do not think that the Government intended to do that, because this morning the Minister for Transport was advised that, because of personal circumstances, a member on our side of the House would not be present. But that member is back. Again, I express profound disappointment that something said in confidence by me to a senior Minister has been used as a ploy in this debate.

Mr MACKENROTH: I rise on a point of privilege. I find the slur that the Leader of the Opposition is now using to be disgraceful. That somebody from the Opposition has told the media that I was aware that one of its members was at the hospital because his wife was ill is a disgraceful and deplorable action.

Mr BORBIDGE: I rise to a point of order. I did not mention the Leader of the House in my comments.

Mr MACKENROTH: How would I know that the member for Lockyer would move that sort of motion? The Leader of the Opposition is using gutter tactics in using the illness of an Opposition member's wife in that way.

Mr BORBIDGE: Mr Speaker, I made no mention of the Leader of the House, but if he feels guilty enough to have to stand up and enter into that level of debate, I feel sorry for him. The simple fact is—

Mr MACKENROTH: I move—

"That the question be now put."

Mr FITZGERALD: I rise to a point of order. Mr Speaker, the member cannot move "That the question be now put". He is out of order.

Mr MACKENROTH: I rise to a point of order. I sought guidance from the Clerk, who advised me that I could move that motion.

Mr SPEAKER: Order! Standing Order 142 states "any Member".

Mr FITZGERALD: I rise to a point of order. Another Standing Order states that a member having spoken cannot move that a motion be put.

Mr HAYWARD: I move—

"That the question be now put."

Opposition members: You're in the wrong seat.

Mr SPEAKER: Order! I will make a ruling so that this will be clear in the future. Standing Order 142 states that any member can move it, but I am aware of a Standing Order that says that a member having spoken cannot do that. Let us be clear on the ruling. The person who has spoken to a motion cannot move "That the question be now put", but other members of the House can so move.

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I had the call. I was speaking.

Mr HAYWARD: I move—

"That the question be now put."

Question—That the question be now put—put; and the House divided—

AYES, 44—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Burns, Campbell, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

NOES, 44—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

The numbers being equal, Mr Speaker cast his vote with the Ayes.

Resolved in the **affirmative**.

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

AYES, 44—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Burns, Campbell, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Foley, Gibbs, Goss W. K., Hamill, Hayward, Hollis, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

NOES, 44—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

The numbers being equal, Mr Speaker cast his vote with the Ayes.

Resolved in the **affirmative**.

APPROPRIATION BILL (No. 2)

Second Reading

Debate resumed from 1 November (see p. 864).

Mr SLACK (Burnett) (3.05 p.m.): Given the limited time now available in which to debate this legislation, it is apparent that Opposition members will not be able to canvass as many matters as they would have liked to. I suggest to the Treasurer that, even though this Bill is not insignificant, it was wrong of him to imply that it is the only significant legislation before the House. I remind the Treasurer that there is another very important Bill before the House.

Mr De Lacy: You're debating it.

Mr SLACK: I am not debating it; I am just saying that it is a very important Bill. I refer to the Coastal Protection and Management Bill. The Scrutiny of Legislation Committee has raised a number of points with respect to that Bill.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! There is far too much audible conversation in the Chamber.

Mr SLACK: Those points related to various provisions of the Bill, and in fact more than 20 separate issues were highlighted by the committee. If the intention is that this Parliament is to be given an adequate opportunity to consider the matters raised by its committees, I suggest that the motion

moved by the Leader of the House to gag the debate on the Coastal Protection and Management Bill was highly inappropriate. I would have liked to have been able to speak to that legislation in detail during the Committee stage in order to clarify the Minister's response to the points raised by the Scrutiny of Legislation Committee, amongst other matters.

Mr De Lacy: You've had the whole second-reading debate.

Mr SLACK: The Treasurer is correct, but the fact remains that the parliamentary committee—which includes among its membership Labor Party people—has raised questions in respect to certain clauses of the Bill. To me, that is a very important matter which ought to have been fully aired. The fact that the debate on that legislation has been cut short is outrageous. Any claim that the Goss Government had to open and accountable government went out the door the moment it placed a one and a half hour restriction on the debate relating to the Coastal Protection and Management Bill, the Committee stage of which will be debated later this afternoon.

I turn now to Appropriation Bill (No. 2). I want to canvass some matters relating to my electorate and to the Department of Environment and Heritage. Over the years, that department has received increases in funding. The last Budget saw an allocation of \$160.9m to the operations of the department. That represented a significant increase. Although significant funds have been allocated and are presumably being spent, the department is being seriously mismanaged. More to the point, many people are unhappy with this Government's administration of that department. The key word is "administration".

Mr Veivers: It's non-existent.

Mr SLACK: It is non-existent. Political decisions are being made with the money appropriated to that particular department. There can be no ifs, buts or maybes—those types of decisions are being made. In the lead-up to the recent State election, despite all the funding increases and despite the increase in the size of the national park estate, the conservation movement declared that its support for the Government was only 16 per cent. We subsequently saw a division within the environmental organisations over their support for this Government. I believe that that was a politically motivated division—engineered by ALP operatives.

It cannot be denied that this Government has doubled the national park estate.

However, following the Cape Melville affair in far-north Queensland—

Mr Beattie interjected.

Mr DEPUTY SPEAKER: Order! I am on my feet. Honourable members will stand still or sit in their places. Standing Order 25 precludes honourable members from cluttering the gangways of this Chamber. Honourable members on my left have been disobeying Standing Order 25 for a few minutes now. I suggest to those honourable members that they either return to their seats or leave the Chamber. It is totally unfair to the honourable member on his feet, who is trying to deliver a very important speech to this House.

Mr SLACK: Mr Deputy Speaker, I am pleased that you recognise the importance of my speech.

Following the Cape Melville episode, the department appointed one of its own senior officers to undertake a review of the operations in far-north Queensland. I raise that matter now for a couple of reasons. That review occurred following the CJC inquiry. Following the announcement of the CJC inquiry into what is commonly known as the foxtail palm affair, the Opposition called loudly and clearly for an extension of the terms of reference of that inquiry.

I pleaded for an extension of the terms of reference of that inquiry, not so much in relation to the accusations being made at the time about people involved in that affair but because the Opposition believed that that region of north Queensland was wide open to the introduction of pests and diseases. We had been informed that smuggling was occurring and that proper surveillance was not occurring within the area. I recall trying to tell the Chairman of the CJC that the area was vulnerable to pests and diseases such as screw-worm, rabies and foot and mouth disease. Another pest which I did not mention specifically at that time—but my comments were designed to embrace all potential risks—was the papaya fruit fly. That was why the Opposition called for an extension of the terms of reference of that inquiry. We expressed our view in writing.

What has happened since? The possible devastating effect of pests or diseases on the northern rainforests was not addressed. They are not being addressed at present because of the introduction of the papaya fruit fly. There is no question about that. Farmers in my electorate are petrified of the papaya fruit fly spreading to the Bundaberg area. The horticultural industry in the Bundaberg region is worth \$100m. That industry could be

affected and devastated by that particular pest.

We have not stopped to think or to take into consideration what has been or could be happening to the rainforests in far-north Queensland. Government members would acknowledge that the papaya fruit fly can attack virtually any fruit or vegetable, including the native flora in far-north Queensland. It obviously will affect the regeneration process of the native forests in far-north Queensland and the flora of far-north Queensland in general. The pest can do more damage to our unique rainforests than logging, flora smuggling and feral animals, but little concern has been expressed about it. There is no doubt that the Department of Environment and Heritage should have been monitoring that area for years. It is not the fact that the fruit fly got in. We accept that it may have got in, despite how good the staff of AQIS may be. I know that there have been cutbacks in their numbers and that their work has not been up to scratch; but despite that, the tragedy and the criminal act was that the necessary monitoring of that area was not undertaken in order to preclude or immediately detect the introduction of pests or diseases—whether it be the fruit fly, screw-worm fly, rabies, foot-and-mouth disease or any other devastating disease. What have we heard from the Minister about this? Not a thing!

Mr Bredhauer interjected.

Mr SLACK: I am not surprised. Government members would appreciate that the cape area is open to intrusion. I realised that when I went to Cape Melville. We could have just gone in there in a boat. We could have come from New Guinea, where the fruit fly is present in the rainforests. We could have dropped bananas there, and the fruit fly could have been in that area for years; we do not know that it has not been. It might already be in those rainforests.

In the report that I referred to earlier, Ian Gall found that existing national parks in far-north Queensland were starved of staff, capital works and operational funding. Mr Gall said in his report that the 1994-95 budget for the Cape York region was so small that it could not meet wages for current staff; that there would be a projected shortfall of \$93,569 on the salaries budget, while a further three positions were being held vacant due to lack of money. The operational budget was insufficient to meet even minimal standards of management and would suffer a shortfall of \$103,200. It highlighted the shocking neglect

of the Goss Labor Government of essential management in the far north, and I am not particularly surprised that the fruit fly has been able to come in under those conditions. As I said, for all we know it could be rampant within those rainforests in the far north.

Yesterday's *Courier-Mail* reported that scientists from the CSIRO, in a report yet to be released, have identified 774 rare or threatened flora species in the Cape York peninsula. As all members would realise, that obviously means that those rainforests and species of flora are under threat. What have we heard from the Government on this particular issue? Nothing! In reply to the debate on the Appropriation Bill, I challenge the Treasurer to tell the House just how much money is being allocated to the Environment and Heritage Department to upgrade its services within far-north Queensland so that its officers can do some monitoring within the national parks. Many national parks have no officers at all.

When one looks further into this matter one realises that the cape region is a big, vast, empty area and that monitoring stations are needed along the coast. Maybe we should consider employing a coastguard, like the Americans have. It is no use having a system of patrols that works like clockwork, inspecting the same sections of the coast at the same time every day. Smugglers who enter this country from other areas could carry with them flies that carry disease. Government members should not consider this issue to be unimportant; because if any other pests or diseases—with the exception of the papaya fruit fly—enter north Queensland, that will make the economy of that area and its social structure fall apart.

Mr Veivers interjected.

Mr SLACK: As the member for Southport said, Australia could well be under threat.

Perhaps this debate will engender some action, so that better precautions are put in place and there is better publicity, so that people are aware of those diseases and can detect them. We need better publicity so that the diseases can be monitored, and we need a system of reporting them if they do enter that area. But basically, nothing like that exists at present.

I turn to another issue concerning my electorate, namely, the road into and out of Agnes Water/1770, which is mostly a gravel road. That is a very pretty and beautiful area that is attractive to tourists. The population in

that area is booming, and the traffic on that road is booming. In common with many other people, for ages I have been pressing for the upgrading of that road. Admittedly, some money is being spent on it, but not nearly enough. Several fatalities have occurred on that road, and many of the accidents along that stretch of road are not even reported. This is so big an issue in the area that it is acknowledged that the local shire council cannot afford to pay for the sealing that is required. For the job to be done properly, Transport money needs to be allocated for appropriate contractors to finish the road. There are no ifs, buts or maybes; that would be the sensible approach, but it has not happened.

Recently, the local school conducted a competition seeking letters describing the way children and adults in that area felt about that road. I would like to read two of those letters. One is from a 13-year-old, who describes the situation. Her name is Linda Baker from 18 Round Hill Road, Agnes Water. The letter states—

"Dear Sir/Madam,

My name is Linda Baker and I live at 18 Round Hill Road, Agnes Water and I am thirteen years of age. I am writing as I am concerned about the condition of the road which I travel over for two hours on the school bus every day. It sometimes takes longer if we have wet weather. I have even had to stay home from school for almost a week because of the road's condition.

It is a right to be educated but a risk to travel these roads, not only after wet weather, but in general.

Agnes Water is a fast developing area and the roads are not up to the standard needed to cope with the excess traffic.

A number of accidents have occurred relating to the road's condition. Some have been fatal, others have been fortunate to survive.

A local bus carrying school children has already had a very bad accident. Some of the causes have been loose gravel, slippery surface, sharp crests and narrow roadways.

I think that something should be done about this road before yet another life is lost.

Yours sincerely, Linda Baker, A concerned student."

In conclusion, I will read a letter from Andrew Clydsdale—

"My name is Andrew, I am 6 years old, and this is my first year at school. Mum wrote this, as I said it.

It upsets me to wait for my bus when cars and trucks zoom past and cover me in dust and stones, and the dust goes in my eyes.

I feel bad and in danger on the school bus because it is holey and stony and dusty and the bus sometimes slides.

The road is dangerous at the front of my place, because there has been 2 men killed here.

I hate this road—I wish it was tar."

The letter is signed, "Andrew Clydsdale". I will leave honourable members with that letter, because it sums up a situation that needs addressing by this Government. Andrew is six years old. He travels on that bus for a journey of two hours.

I refer once again to the papaya fruit fly problem in far north Queensland. The problem needs addressing. The Opposition is serious about it; it is not a joke.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! Before I call the honourable member for Gladstone, I would like to recognise in the gallery the students from the Hope Vale State School north of Cairns and welcome them to the Parliament of Queensland.

Mrs CUNNINGHAM (Gladstone) (3.21 p.m.): Welcome—it is lovely to see you all.

The most common barometer used by a local community to measure the value and effectiveness of Government financial policy is the expenditure that people see for the provision of infrastructure and services to their own area. Unfortunately, over past years, the people of Gladstone have felt they were not seeing sufficient return to their community for their dollars. The central Queensland region is both resource rich and industrially strong. Given that people see the great wealth generated in their area and such information reinforced by Government and non-Government visitors to the region, is it any wonder that they are frustrated as they see service provision diminishing or being slowly eroded? It is the small services—the individual services—that people notice most.

In what is stated as an effort to make ambulance services more efficient, ambulance calls are now diverted through the 000 number

away from the local ambulance centre to a regional exchange or Brisbane. In a small rural community, the ill person or the stressed relative wants to ring the local ambulanceman, who they know is familiar with the locality and can respond quickly and effectively. Historically, the ambulance has been available to old or infirm citizens for visits to and from the hospital—some affectionately call it the granny run. This service, which would be a relatively small cost to the Ambulance Service, was of great comfort to older citizens, but in Gladstone it has now been stopped. Recently, several incidents occurred in which elderly patients, who historically had been transported by ambulance, were left on the footpath outside the hospital waiting for taxi transport. Purported savings that significantly diminish services are not acceptable to the community.

Similarly, concerns continue to grow at the cuts to police services in our area. The Gladstone/Calliope region has been marketed not only across Australia but also in many parts of the world as the industrial capital of this State. This marketing has resulted in industrial growth and subsequent population growth. Part of the appropriate control of that growth is adequate policing to ensure the confident and quiet enjoyment by the community of their environment. At Boyne/Tannum, where the Boyne smelter third potline is under construction and population peaks are expected and, indeed, occurring, the police presence had been reduced from four to three. With time off for holidays, sickness, training and court appearances, the Boyne/Tannum Police Station is effectively a two-person station. Such downgrading would not occur in the south-east corner as that would be politically untenable. Similarly, because of a lack of numbers the Gladstone police officers face great difficulty.

Similar downgrading has occurred in fire services at Tannum where, upon his retirement, the one full-time fire officer was not replaced. This town is now manned by an auxiliary fire service. I acknowledge that this is creeping departmental policy. It has not, however, been accepted by the community. Currently, in Gladstone, the full-time firemen are working to rule in protest at an order recently given that their second appliance will be manned by auxiliary firefighters. They are currently negotiating with the Fire Service Commissioner on this matter. Again, such a standard of service would not be accepted in Brisbane. I hasten to add that the full-time firefighters accept the role and expertise of auxiliaries, but they also recognise that part-time firefighters who do not have the

benefit of the level of training of permanent officers will not always be the best for certain fire scenes. Gladstone and Calliope are home to significant chemical and heavy industrial plants. Fire in those plants demands specialised fire-fighting skills. Again, our residents deserve the same consideration as those living in the south-east corner.

The Honourable Peter Beattie visited Gladstone recently to speak with members of the medical profession, both Government and private practitioners.

Mr Nunn: Did he make sense?

Mrs CUNNINGHAM: Yes. Medical services have deteriorated to critical levels. We have a medical catchment area of 40,000-plus people. The hospital has no gynaecological or paediatric specialists, and no specialist physician. The eye specialist has ceased his regular visits. The only visiting specialist is a psychiatrist. Dental services are strained. Minister Beattie has said that he is investigating ways to improve the situation. Such improvement must occur as a matter of priority. I have anecdotal evidence of significant health risks to the community, and not because practitioners in the region are not doing a good job. Quite the opposite is the case. The doctors and other health-care providers are doing an excellent job, but resources are past the point of just being strained. They are desperate for professional support. I am confident that Minister Beattie will give us a fair hearing.

Throughout the State, education was an election focus. My region faces significant challenges in the provision of educational facilities. Much publicity has been given to the desperate need for a high school at Tannum Sands, and rightly so. We have 400 students travelling morning and evening on Benaraby Road, a 100 kilometre an hour highway, at a cost to the Government of over \$800,000 per annum. The Minister for Education has now budgeted for the new high school. He must make the decision as to the best site. Two are being considered: Canoe Point and land currently held by Boyne Smelters Limited. The company has indicated its willingness to negotiate a land swap, with necessary adjustments, and has also given an undertaking to keep Canoe Point in its current state, and the community is asking why the decision has not yet been made. The community has made a clear statement as to its view that Canoe Point must be kept as an environmental area. The local authority has given all necessary undertakings to get the high school started on the BSL block. The

Minister is not in the Chamber, but I look forward to his early decision that reflects the community will. Because no other space is available, some music students in Gladstone have their music lessons in a State school staffroom. These situations must be addressed.

In all areas, roads are the lifeline of development and production. The Bruce Highway is being upgraded, and for that we are appreciative. Two other main roads in the area are desperate for upgrading: Monto Road and the Dawson Highway. Both roads are vital to primary production in the region and are also significant links to heavy industrial production areas. I invite the Honourable Minister for Transport to visit and inspect those roads whenever he wishes.

Although we may be dealing with the macro finances of the State in this Bill, people judge the Government more by those micro issues. I reiterate that we in Gladstone have a dynamic community. It is a growth centre and generator of great wealth for both the State and the nation. The people see the dollars that are expended throughout the State. They see the dollars that they generate in their area and ask the question, "Why can't more be expended to address these serious problems?"

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I call the member for Southport.

Mr VEIVERS (Southport) (3.30 p.m.): Mr Deputy Speaker—

Mr Beattie: Don't attack the Gold Coast Hospital this time; be supportive of it.

Mr VEIVERS: Let me assure the Minister for Health that I support that hospital. It is just a pity that the Government does not support it with money. It is \$7m down the chute, and the Government will not give it any more money. This morning the Minister said that I was knocking the renal unit. What a load of rot!

Mr Beattie: You were.

Mr VEIVERS: The Minister knows what I was doing. Him and his make-up for the transvestites—\$3,100 flicked out the back door to them from the Minister's department. I admit that it did not come from the regional health authority in that area, but it came straight from his department in Brisbane. I hope that the Minister did not personally have anything to do with that.

Mr Beattie: That's not true, and you know it.

Mr VEIVERS: What? That the Minister put on lipstick?

Mr Beattie interjected.

Mr VEIVERS: Mr Deputy Speaker, I need your protection.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I remind the Honourable Minister that lengthy interjections are not acceptable in this House.

Mr Beattie: Even if they are intelligent?

Mr DEPUTY SPEAKER: Order! Not even if they are intelligent.

Mr VEIVERS: Mr Deputy Speaker, I thank you for your honourable protection. I tried to answer the Minister very legitimately and he attacked me.

Today I wish to make a plea on behalf of the youth of Queensland. I want to see them offered hope—not empty promises. I want to see some new goals set so that our youth can be encouraged to soar to whatever heights they are prepared to aspire to. I believe that the youth of Queensland are looking for a path to a bright new future in which there are great challenges, ideals and reward for effort. Call it a vision for the future or whatever one likes, but it must be a way for our youth to break into new horizons.

The youth of this State want to achieve much more than simply sporting goals. However, for those who aspire to future sporting achievements, let us give them that opportunity. We can no longer allow the doom and gloom to entrench itself among our young. Too many young lives have been wasted by frustration and lost hope with or without drugs.

I know that many of our youth are enjoying what life has to offer in this great State. There are those who are prepared to study and work hard for the State to achieve their goals. Unfortunately, despite their efforts, many are thwarted by the absence of the jobs that they really want. There are too many who have just given up hope and allowed themselves to be thrown on the unemployment scrap heap or sustain themselves on whatever Government handouts they can obtain.

I am sure that nobody in this House wants that for our youth. If we are to shake them out of whatever lethargy exists, we must capture their imagination, provide them with hope for the future and the distinctions, job satisfaction and monetary rewards that we all seek. We need challenges in the workplace. We need those challenges in the towns and villages of

this State, just as we need them in the cities. We want a new era in which there is still the call of the wild, in which young men and women can still be encouraged to "go west, young people". We have to provide the incentives for them to do so.

I am sure that the youth of Queensland are just looking for somewhere to pick up the mace and run with it. We in this place, whether we sit on the Government side or the Opposition side, have to make sure that that happens because our youth are falling by the wayside and it is us, the politicians, who have to do something about it. I do not mean that our youth should be looking to walk in the clouds or fulfil impossible dreams. However, they should be able to find a place for themselves in the great new future that we must produce for this great State. At the moment I believe that this State is standing still. After six years of the Goss Labor experiment—and the word is "experiment", not "Government"—I believe that Queensland has become dulled by a Government more concerned about political correctness than ideals. The Premier has talked of visions, but that is all he has done. I think that his idea of visions is image making, mirror reflecting, or just plain navel gazing.

I welcome yesterday's announcement by the Premier that Queensland might become Australia's equivalent of California's Silicon Valley. However, I hope that new project has more luck than those other ones that Queensland has lost. Information technology is certainly an industry in which we can make some great strides in providing new goals for our youth. We should also be preparing our youth to go out to the wider world—to the emerging countries—where new talents will be required as those economies gear up for the future. Great opportunities exist in the People's Republic of China, South America, Africa, across the European landscape and in the Asian continent.

I emphasise that I do not mean that we should export our quality minds. Those people should receive valuable experience in those places, then come back and work and get ahead in Queensland. However, we have to give them the incentives to do that, and they do not have them. No matter what Government members say or what I say, those incentives are not there.

An Opposition member interjected.

Mr VEIVERS: That is exactly right. Those incentives are not there, and we have to provide them. We also desperately need something like what was produced when the

great Snowy Mountain Scheme came on-line some years ago. It fired the imagination of Australia and produced great new talents for the building of this great country. It also ushered in a new wave of immigration. Many people who worked on that project later became leaders in industry and commerce and their children are now forging ahead. We want the type of ideas that produced the Story Bridge, our great industries—particularly our beef, sheep and sugar industries—and, let us not forget, the great tourist resorts of our State—something for which previous National Party Governments and conservative coalitions were largely responsible.

Mr Bredhauer: Were not.

Mr VEIVERS: We were. Queensland was the first State in Australia to have a tourism development corporation. The Queensland Tourist Development Corporation was the first such tourism development corporation in Australia. So the member should not tell me that the previous National Party Government and coalition Governments were not leaders in that respect.

Mr Bredhauer interjected.

Mr VEIVERS: The member should stick to the Gulf Country and look after the papaya fruit fly, because he has not done it. He has gone soft.

We want to produce something more than just a Rugby League or Rugby Union team to win a World Cup, or a cricket team to win the Ashes, or swimmers or athletes to win gold at Olympic and Commonwealth Games. I am not saying that we do not want to see our young people achieve such sporting goals. However, we want some of that hard work, initiative and endeavour to be put into the pursuit of cultural and business paths which will lead this State towards an exciting new era of development, progress and prosperity. We want our youth to have the wins on the sporting field stacked up alongside the wins in industry and commerce.

There are new goals to be attained in movie production and in all forms of new technology and manufacturing. I refer, for example, to the educational aids and technology that are now being exported to other countries. We should be seeking new goals in the music and entertainment fields for our youth. In fact, we should be seeking those goals in every facet of cultural endeavour— theatre, films and the arts. Anybody who has had the opportunity to see some of the talent exhibited in recent years in Australia, particularly in Queensland, would know that we have many young people who can match it

with the best in the world. After all, many of them have already taken to the world stage.

I shudder sometimes when I think of this State's preoccupation with gambling. It is good for Government revenue—the Government realises that and so does the Opposition—but I fear the social cost in the long run. I doubt that it helps our youth to form any great vision for the future.

Mr Schwarten interjected.

Mr VEIVERS: Instead of chasing people's hard-earned money, we should be firing people's imagination—something that the member for Rockhampton cannot do—and coming up with great new ideas for building and expanding while at the same time protecting our environment from wanton destruction and ignorance.

Many areas of the State suffer from the modern problem of homeless youth. It is found in the cities as well as the towns, where disenfranchised youth, sometimes mistakenly, search for their own truth and direction. It is a very sad thing. It is apparent on the coast and in Brisbane—I believe that it is a sort of disease which is spreading and about which we have to do something. It is not an easy challenge for any Government. People on the other side of the House ask what are we doing, yet they are in Government.

Mr Schwarten: What is the answer?

Mr VEIVERS: I have just said that I do not know the complete answer. Does the member? Perhaps it is the ease of living over the past 15 to 20 years and the breakdown of family units. All those sorts of things—not one thing—have had something to do with it, but not entirely. Maybe it is something to do with politics and politicians—I do not know that, either. I hope it is not, but sadly I have a fair idea that it could be.

As I said, not all our youth take this course. For example, has anybody in this place ever realised the great value of the Queensland surf lifesaving movement and how it has been successful, probably more than any other organisation, in keeping youth off the streets? It provides excitement, challenge, initiative and incentive for young people, as well as a venue to mix, work and play under the jurisdiction of very responsible senior people. We need more of that sort of approach in the community.

Hope is what we must offer youth, but we should not hand it to them on a silver platter. We must encourage them to work hard for their goals, promise them incentives if they make it and assist them on the way. So let us

all put our thinking caps on to come up with ideas that can fire this State up again for our youth. If we do not, we will definitely slip further into mediocrity.

Mr JOHNSON (Gregory) (3.42 p.m.): In rising to speak to the Appropriation Bill (No. 2), one thing I would stress at the outset is the lack of vision of this Labor Government over the past six years. In that time, I cannot see one piece of infrastructure that has been put in place, or anything of vision initiated by this Government, which will create employment or any type of industry development for this State.

Various pieces of transport legislation have been introduced by the Honourable David Hamill, the Honourable Ken Hayward and the Honourable Jim Elder, but I wish to refer particularly to the Transport Operations (Passenger Transport) Act of 1994. Changes have occurred in Queensland bus services as a result of the Government's rationalisation process. I have grave concerns that, while the implementation of the Transport Operations (Passenger Transport) Act 1994 has given the Government the means to promote extra services, there seems reason to doubt that the final result may not match the rhetoric. In this regard I suppose time will tell, but I can assure the House that it is difficult to legislate for a market that may not come up to the expectations that have been expressed.

A disturbing aspect of the implementation that I have found in talking to bus operators is the dubious nature of the involvement of a former senior Queensland Transport officer, who is now virtually acting as the chief executive for the company Transit Australia, the company that won many of the bus service contracts. On 20 October, I asked the Minister for Transport about the integrity of the tender process and the involvement of this official in the contract process. The Minister replied—

"The fellow was not involved in the contracts."

He said later in his reply

"I am not aware of any involvement and my understanding is that the person was not involved."

The Minister for Transport has misled this House, and I will table the documents which illustrate that. I recognise that the involvement of this officer in the process predates the Minister's appointment to the portfolio, but that is no excuse, because considering its importance he should have been briefed on the issue.

I table a Queensland Transport letter dated 22 December 1994, written by the Director of Passenger Transport, Mr Greg Goebel, and forwarded to a bus company, outlining requirements for a commercial service contract for scheduled passenger services. This letter outlines the requirements in terms of a five-year contract and concludes by stating—

"For clarification of any aspect of this invitation or for further information, please contact Mr Wayne Patch, Acting Principal Manager (Industry and Regional Liaison) on 07-253 4704."

It goes on to list the writer's phone number as well.

It is common knowledge among bus service proprietors that late last year and early this year, Mr Wayne Patch, Mr Goebel and another Queensland Transport officer were closely involved in overseeing the letting of these bus service contracts. As part of this process, they travelled throughout the State talking to bus proprietors. Consequently, the Minister should have been aware of Mr Patch's involvement in this area, considering that the bus service changes have been one of the key initiatives of the Transport portfolio undertaken recently.

I now table a letter dated 3 October 1995 and signed by the chairman of Transit Australia, Harry Blundred, which points out that the company has established an office in Brisbane. It also states that Transit Australia had contracted a firm called Transport Consulting Services Proprietary Limited to provide general management support to Transit Australia. That letter states—

"Much of that support will be provided by the managing director of Transport Consulting Services, Wayne Patch, who has had extensive senior management experience in the public sector and has had an excellent understanding of passenger transport and of Transit Holdings' achievements in developing bus services in the United Kingdom."

It further states—

"Mr Patch is authorised by the Board of Transit Australia to act on its behalf on all company matters."

Therefore, Mr Patch has gone from being involved with other senior Queensland Transport officers in letting contracts for the new bus services to effectively being the senior manager on the ground in Queensland for the company which was successful in

taking over many of the bus licences and, I might add, at the same time sending many other good operators in Queensland to the wall because of this poor piece of legislation.

I have previously called for an independent audit of bus licence tenders, and I repeat that call today. It all seems a bit too cosy and cute for my liking. I think this is something that the Criminal Justice Commission, or at least the Public Accounts Committee, should examine and investigate.

Did Mr Patch have a closet conflict of interests while acting in his former capacity with Queensland Transport? How did he acquire an "excellent understanding" of Transit Holdings' achievements in the United Kingdom? Why was such information gained at the taxpayers' expense? What are the credentials and track record of Transit Australia that has made its offers to take over bus service contracts so attractive? After the Transport Minister explains why he misled the House, those are some of the questions I would like him to address.

There are some other aspects of the bus service rationalisation I would like to address. Many existing bus proprietors, when confronted with the additional service requirements on their runs, assessed them as being non-viable or only marginally viable and let them go. It will be interesting to see how Transit Australia fares over time with the extra services on these runs. Experienced bus operators are already tipping that there will be a marked slippage in the services that are advertised and what are actually provided in due course.

The Treasurer may also be interested enough to explain why some proprietors who sold their bus licences to Transit Australia received a bill for stamp duty from the Office of State Revenue. Perhaps the former Minister for Transport would like to answer that also. In some cases, these bills ranged between \$50,000 and \$60,000. When the bus proprietors, as vendors, refused on legal advice to pay the duty and the due date passed, it was suddenly found that the stamp duty had been paid. The curious thing is that the word in bus circles is that it was met from the Government's coffers as a form of *ex gratia* payment, rather than being paid by Transit Australia. I would appreciate the Treasurer's clarification of this issue. What financial assistance, if any, has been provided to Transit Australia by the Government to assist it in its takeover of bus routes?

Other instances require explanation, such as how a bus operator in Cairns was left

virtually high and dry after two other companies took over his licence area. He was left with nothing—no compensation. That is hardly an equitable state of affairs!

Mr Hayward: Are you saying that was a good service?

Mr JOHNSON: I hear the former Minister for Transport interjecting.

Mr Hayward: Are you saying they had a decent service in Cairns?

Mr JOHNSON: There were professional operators in that area who could have operated those services. The Minister knows that when he was in the box seat he let those other blokes in through the back door. Opposition members suspect that the former Minister for Transport has egg on his face over this issue. Until we find out exactly how Wayne Patch got that job and how Transit Australia came onto the scene, we will apply the heat to the former Minister.

Mr Hayward: You apologise.

Mr JOHNSON: I will apologise to nobody. Government members are the ones in the hot seat.

I wish to address briefly a couple of other issues. In the Transport Department Estimates of 1994, the then Minister, the Honourable David Hamill, made reference to what he envisaged would be the future number of staff employed by Queensland Rail. When this Government took over, some 22,000 people were in the employ of Queensland Rail. Today, that figure is about 15,500 and on the decline. During the hearing on those Budget Estimates in 1994, the Minister said that he would like to see a figure of some 6,000. What we are going to see in this State is the total decimation of Queensland Rail; but this Labor Government professes to be the friend of the workers of Queensland Rail. It has sold out Queensland Rail. Queensland Rail is in a no-win situation. The position is untenable.

Let us consider the issue of railway workshops. There are now 724 personnel at the Ipswich workshop. The Honourable David Hamill, now the Minister for Education, wants to close down that facility and build a university campus there. He would wipe out that workshop. He would meld it in with the one at Redbank, where there are 333 men. A lot of those personnel would lose their jobs—probably some 400 of them. The former Minister knows that. The situation is grave, and the position is untenable. Those people deserve to have a career. They are doing a magnificent job at the Ipswich workshop. The Government does not stand up for the worker

any more. The coalition is now the workers' friend. We will listen to the workers of this State and respond to their needs.

Mr Hayward: You would contract out.

Mr JOHNSON: Look at the situation in Townsville. Currently, 262 people are employed in the Townsville workshops. Only five minutes ago, over 1,000 workers were employed there. However, thanks to the vision of this Government, that facility will be wound down. Those workshops were worth in the vicinity of \$15m to \$25m per year to the economy of Townsville. That money has gone. That is what the Government thinks of Townsville. It is no wonder that the Government lost nearly three seats there. I will give the Government the mail: when the time comes, the Opposition will make sure that the Government loses those seats. We will once again make the Townsville workshop the great workshop facility of north Queensland that it should be. That workshop will provide for the western, northern and southern lines—the workshop's true agenda. The former Minister did nothing about trying to preserve that facility.

Another issue that I wish to touch on is Queensland Transport's road infrastructure plan. Queensland Transport has the tendering advantage on contracts. In a lot of cases, it is tendering up to \$1m and \$2m under its closest rivals. In relation to the past six contracts tendered in Toowoomba, Queensland Transport has won every tender against private enterprise. Private enterprise operations right throughout this State are being affected. Local government is also losing out. This Government is the scourge of local government. It is driving local government to the wall. Until the transport infrastructure legislation is revised, we will see the total decimation of local government and big contractors throughout this State who have done great work in the past.

That situation applies not only in Toowoomba. The list goes on. Yandina is another place that has been affected; Waterford is another. Time does not permit me to elaborate further on these anomalies within the Department of Transport. This Government has no vision and no understanding of the real needs of Queensland. My colleague the member for Mansfield has only five minutes within which to express some of his points of view, so I will conclude my remarks.

Mr CARROLL (Mansfield) (3.56 p.m.): The Treasurer's second-reading speech on Appropriation Bill (No. 2) threw no light

whatsoever on the merits of or justification for the massive ask in that Bill. How can honourable members possibly be expected to approve appropriation of over \$5 billion above the approved Budget figures without summarised details? The fluffy window-dressing in the Treasurer's speech does not contain enough information to justify an outlay of \$5 let alone \$5 billion. It is an insult to the intelligence of honourable members. It adds yet another example to the pattern of meaningless chatter from the Treasurer on matters of fundamental importance to the good stewardship of funds for which our constituents work so hard.

As to the Treasurer giving proper and full account—I am sure that the computers could tally and categorise those financial figures by mid July 1995. A glance at the Treasurer's Annual Statement 1994-95—the little white book—shows us that many of the reports were dated late August through to mid September 1995, yet we received the report six weeks later—only two days ago. The Leader of the House then called on this debate the very next day, and he has now managed to succeed in gagging that debate. Members on this side of the House were airing many examples of the unwise spending which the Treasurer wanted to leave under the carpet and put behind him with the passing of this Bill. We have been gagged.

Section 25A(1) of the Financial Administration and Audit Act 1977 requires the Treasurer to prepare and show us these reports "as soon as practicable after the end of the financial year". Here we are, 125 days—a third of a year—later having the wool pulled over our eyes. This is not open and accountable Government. The Financial Administration and Audit Act of the previous coalition Government outlines some procedures to be followed in regard to unforeseen expenditure. Section 25(1) of that Act permits the Governor in Council to authorise unforeseen expenditure in advance of appropriation if the Treasurer recommends it. We have been given no information about the history of these expenditures—none whatsoever. There is no summary of the main reason for the expenditure, although one would expect that the Treasurer would have had a ready-reckoner list of such requests that could be brought out and laid before the House. After all, he persuaded our esteemed Governor to approve those expenditures.

Instead, we have the Treasurer's Annual Statement 1994-95—tabled two days ago—the debate on which kept us busy in this House until the early hours of this morning.

No-one has had enough time to digest it. Of course, the document is not presented attractively; it is not easy to follow, even for one with my academic qualifications or practical experience. The least the Treasurer could have done was lead us through those, preferably by reference to a briefer summary. Instead, his accountants have taken full rein and been left to show why they are not out there in private practice fighting for a living to make reports readable.

For example, the Consolidated Fund receipts at 2.4.2 of that document are categorised, but not on any basis enabling comparison with the departmentalised statement summarising issues at page 78. This House is asked to consider approving unexpected outgoings of \$5.185 billion. The Financial Administration and Audit Act further requires that the Auditor-General shall examine and certify whether or not the expense was "made according to law". The Treasurer seems to take a gleeful leap in logic to claim that this House should then rubber stamp that year's financial administration by slipping this Bill through the House. He says that the Bill is therefore technical in nature. He is going to regret those words.

Honourable members need to remember that the Auditor-General's certificate is not required to make—and, in fact, does not make—any judgment on the wisdom or otherwise of the spending. Full and informed debate on these issues would be a very helpful supplement to proper budgeting closer to the actual spending and before approval is given. Only with that would we ever have a chance of training a Treasurer to be more responsible in those earlier recommendations to the Governor in Council, otherwise the matter of expenditure of revenue on special items is never seriously questioned; instead, focus is upon policy issues in a vacuum. Then next year when the Budget is considered and Appropriation Bill (No. 1) presented, debate focuses on the esoteric variations between the unexplained actual figures recorded for the year and the rubbery numbers recommended for the coming year.

Time expired.

Mr SPEAKER: Order! The time for the second-reading stage has expired.

Motion agreed to.

Committee

Clauses 1 and 2 and Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr De Lacy, read a third time.

COASTAL PROTECTION AND MANAGEMENT BILL

Committee

Debate resumed from 31 October (see p. 769).

Hon. T. A. Barton (Waterford—Minister for Environment and Heritage) in charge of the Bill.

Clauses 1 to 6, as read, agreed to.

Clause 7—

Miss SIMPSON (4.04 p.m.): When we look at the definition of "coastal management" in clause 7, we find that it includes "the protection, conservation, rehabilitation, management and ecologically sustainable development of the coastal zone". There is no apparent problem with the words "protection, conservation, rehabilitation or ecologically sustainable development", even though they are not well defined. But if we put these appealing little words aside and re-read this provision, the definition states that—

"Coastal management includes management . . ."

The word "management" is not further defined. This is very imprecise and, I believe, dangerously open to abuse in light of later provisions in this Bill which give extraordinarily wide powers to the chief executive officer—for example, if he or she decides to stop an activity which they deem to have significant effect on coastal management, remembering that the definition of "coastal management" is broader than for environmental concerns and is undefined.

Management is about control. If the Government is to legislate a management plan, it is in effect taking away some of the ability of land-holders to make these management decisions for themselves on how they control their land. What this Bill is about is deciding that Government should take over some of the management rights that land-holders currently exercise. I do not argue that there is not a valid case for Government to reasonably legislate for the protection of the environment upon private land, because there is. However, this must be cautiously balanced with due regard to a citizen's rights, liberties and obligations. Any power that is delegated to bureaucrats in this regard must be sufficiently well defined as well as being subject to appropriate review.

I do not believe that the powers in this legislation, as they affect people's existing rights and liberties, have been sufficiently well defined. If these powers are not well defined, how then can the exercise of these powers also be appropriately reviewed? They cannot. As a result, this legislation fails to fulfil fundamental legislative principles outlined in the Legislative Standards Act. As night follows day, there will be abuses of the implementation of this Act way beyond the very laudable stated aims.

As the coalition has stated, we all support appropriate coastal protection and planning for the sake of our beautiful Queensland environment. But as a parliamentarian, it would be remiss of me not to sound the warning bells about the way this Government is increasingly putting umbrella legislation before the House that delegates great powers for yet unseen regulations and to the public servants who implement them.

It remains to be seen whether there will be enough time to sufficiently debate all the clauses of this important legislation, as the Government has moved to gag debate on it. There are a number of other matters on which I will be seeking clarification, particularly where compensation will not be paid for rights taken away from land-holders for existing use and as-of-right use. I will be raising those matters later.

Mr D'ARCY: This is a motherhood clause. It is typical that the Opposition should raise the types of matters that the member for Maroochydore just did. It reminds one of everything that the Bjelke-Petersen National Party Government did during the time that it was in power. It reminds one of Sanctuary Cove and all the other developments that went broke—the Mirage resort—

Mr FitzGerald interjected.

Mr D'ARCY: The Opposition claims to be protecting the rights of land-holders in certain areas. It is not.

The point is that this is a motherhood statement which can be found in every piece of legislation. For the member for Maroochydore to make such hypocritical statements in speaking to this clause reflects everything that the National Party stood for. The highly degraded state of the coast of Queensland is due in no small measure to the policies of the former National Party Government. It was that party that destroyed the mangroves and the many other natural features of this State which the Labor Party has fought for so long to protect.

This is a motherhood statement. This type of statement is part of most legislation. For the member for Maroochydore to be critical of this clause signals the attitude of the Opposition towards this Bill. It wants to protect the short-term interests of the individual land-holder rather than fighting for the long-term preservation of our coastline. That has always been the attitude of members opposite.

Mr BARTON: I will not belabour this point. The comments by the member for Maroochydore would have been more appropriate to the second-reading debate, at the conclusion of which the Opposition voted in support of the Bill. The definition of "the coast" under this legislation is very clear. This Bill is about coastal management. I do not intend to make any more comments on that, other than to highlight the differing views expressed by Opposition members during the second-reading debate. Some wanted the definition of "the coast" to be very narrow; some wanted it to be so wide as to take in the entire watercourses of all rivers that feed to the coast. I believe that that would frighten the living daylight out of the development industry. The definition of "the coast" is clear, and I stand by it.

Mr FITZGERALD: I object to the suggestion by the Honourable the Minister that because the Opposition did not vote against the second reading of this legislation we have forgone our right to disagree with any of the clauses. That is a fundamental parliamentary principle. Just because we did not oppose the second reading of the Bill does not mean that we cannot disagree with a certain definition. We reserve the right at all times to do that.

Clause 7, as read, agreed to.

Clauses 8 to 11, as read, agreed to.

Clause 12—

Mr SLACK (4.10 p.m.): I move the following amendment—

"At page 11, lines 17 and 18—

omit, insert—

'12. "Ecologically sustainable development" means using, conserving and enhancing the community's resources so that ecological processes on which life depends are maintained and the total quality of life, now and in the future, can be increased.'"

Clause 12 states—

" 'Ecologically sustainable development' has the meaning given by the National Strategy for Ecologically Sustainable Development."

My amendment seeks to change that definition to my understanding of what the National Strategy for Ecologically Sustainable Development means. I move this amendment purely for the sake of clarity so that the term in clause 12 can be understood by the layman. I note, and I am sure the Minister notes, that the parliamentary Scrutiny of Legislation Committee referred to this particular clause and the need for the lay person to be able to understand it. We in the Opposition can see no reason for not including the full definition. I have had personal experience of trying to obtain a copy of this document. I deliberately asked the library the other day for a copy of the National Strategy for Ecologically Sustainable Development document, and it did not have it. It is not readily available to the lay person.

Recently, I had a call from a well-known councillor—I will not say from where—asking for a copy of the same document. The document is not readily obtainable, so the definition is not readily obtainable. We believe that it would be much more appropriate for the definition to be included in the Bill. This is a fundamental issue that relates to many terms that are used when we talk about the environment. Many people in the community do not understand those terms and what they mean. Most members of this House may understand the terms, but I believe there would be some members who do not. I can remember terms such as biodiversity being used by people who, when I asked them the meaning, did not know it. I am referring not only to lay people. I have asked that question of people who one would have expected to have known and they have not known.

Often, it is taken for granted that when we use these terms in this place the people in the community will readily understand them, but they really have no idea of their true meaning. For the sake of clarity and for a better understanding of environmental issues, I feel that the terms should be clarified.

Mr BARTON: I also acknowledge that this was one of the issues raised by the Scrutiny of Legislation Committee. There are two reasons why I do not propose to accept that amendment. Firstly, the Government believes that the national strategy is a strategy and that to simply lift the definition from it does not adequately incorporate the principles and goals that form part of it. Secondly, to change the definition here would mean a potential inconsistency with the objectives of the Bill, which are stated in clause 3, as that clause refers specifically to the national strategy and not a part of it.

Further, to incorporate the entire document would in practical terms increase the size and the cost of the legislation significantly. The national strategy—and I hold up a copy—is a fairly substantial document to incorporate into an Act, although I accept that the Opposition's amendment is to incorporate only that definition, not the entire strategy. However, I feel that that would lead to potential inconsistencies. I have to say that my advice is that the national strategy document is readily available from the Commonwealth Department of Environment, Sport and Territories and that copies of it are held at public libraries, where it can be accessed very readily. I do not propose to accept the Opposition's amendment.

Mr SLACK: It is not a matter that the Opposition is going to divide on, although I have some difficulty in accepting the Minister's explanation. I do not see a problem in including the relevant section from that particular document that outlines what is stated in this clause of the Bill which states—

"... has the meaning given by the National Strategy for Ecologically Sustainable Development."

For reasons of clarity, the Opposition believes the full definition should have been included. Might I say that the Opposition wishes to move 20 amendments to this Bill, all of which are to us very important. Some of those issues have been raised by the Scrutiny of Legislation Committee and others we have raised ourselves. Obviously, if it is going to take as long as it has to get through this amendment, we will not be able to move all of those 20 amendments in the time now allocated to this Committee stage, which is a condemnation of the Government for moving the motion carried by the Parliament.

Amendment negatived.

Clause 12, as read, agreed to.

Clauses 13 to 16, as read, agreed to.

Clause 17—

Mr SLACK (4.16 p.m.): I move the following amendment—

"At page 13, lines 20 to 24—

omit, insert—

'17(1). The advisory council consists of—

- (a) the chief executive; and
- (b) the following members appointed by the Minister—
 - (i) 2 representative of State government;

- (ii) 3 representatives of local governments;
- (iii) 1 representative of property owners;
- (iv) 1 representative of conservation groups;
- (v) 1 representative of primary and secondary industry;
- (vi) 1 representative of the fishing industry;
- (vii) 1 representative of Aboriginal and Torres Strait Islander interests;
- (viii) 1 representative of tourism interests.

'(2) At least half of the appointed members must be resident outside Brisbane City Council area.'

Clause 17 states—

"(1) The advisory council consists of the chief executive and 11 other members appointed by the Minister."

Honourable members should note that all members are appointed by the Minister. It continues—

"(2) The appointed members must include representatives from the community recognised for their experience in, and knowledge of, coastal zone management."

That is fine, however it is not really very definitive, particularly when the Minister has a fair scope to use political patronage if he so desires. The Opposition's amendment defines the people that the council should consist of. It does not state their actual names but the bodies which they represent. As I said, we feel that the legislation should be more definitive. This amendment seeks to ensure that a balance of representation is outlined within the statute itself so that the organisations that will be affected by this legislation will know that they will have representatives on the advisory council. There is no question that the Minister will still appoint the people who are the representatives. So that in itself gives the Minister a fair scope to appoint people who he feels would be conversant with the issues that they would be dealing with.

The amendment would limit the possibility of political cronyism or political patronage—and I am sure the Minister would deny any actions of that sort. But I notice that he did not deny the suggestion contained in a question put to him this morning by the member for Barron River in respect of a defeated Minister

of this House. Let me make the point quite clear in respect to that issue. I am sure that all members of the Opposition recognise that Lesley Clark—the former member for Barron River—is a person with qualifications. She is someone in whom I have some confidence and faith. However, that is not the point; the point is that for the former member for Barron River, who has just been defeated as an ALP member for that area, to be appointed to an important position straight after her defeat smells very much of political cronyism to me. There is no doubt that, if this amendment were carried, the public would have more confidence in the advisory council. To have effective management requires public confidence in the body that oversees the functions of coastal management.

I am aware that the Minister will say that the former Beach Protection Authority was made up of a majority of public servants. However, the powers of this body are far more wide-ranging than those provided in the former beach protection legislation.

Mr Barton: So you acknowledge that?

Mr SLACK: Yes, they are far more wide-ranging. Because of the role that it plays, members of the Opposition do not believe that it should be overweighted with public servants. We also believe that it should be representative of the regions. We should avoid a situation in which the majority of members could come from the Brisbane area. That is why the Opposition is moving the amendment.

Mr D'ARCY: Again, we witness the Opposition dealing in semantics. When one examines the composition of committees that operate in an advisory capacity, such as this committee, one finds that if those committees are to have any real input into what is going to happen to the coast of Queensland—in which we are all supposed to be vitally interested—those committees must be composed of people with expertise and clout in the fields in which they operate.

Probably one of the best committees that was established during the period of operation of the previous legislation was established by the National Party in 1969. The members of that committee, a working committee on the area between Jumpinpin Bar and the Nerang River bridge, were representatives of the Land Administration Commission, the Department of Local Government, the Department of Harbours and Marine, the Department of Primary Industries, the Co-ordinator-General's Department, the Works Department, the Department of Mines, what is now the Gold Coast City Council and the Albert Shire

Council. Advisory members were the member for Albert and the member for Gold Coast. Advice was also given by others.

That committee brought down recommendations which, if the National Party had ever followed them, would have saved the south coast area. One of its major recommendations was for no canal-type development which infringed on the mangrove swamps or fronted onto the seagrass beds should be permitted in the study area. That recommendation was brought down by "Peerless" Peel, the chairman of the committee and the Director of the Department of Harbours and Marine. The problem that we have had in this State is that we cannot get our own public servants to agree on what should happen. A problem goes from one department to another department. When the public servants involved in a matter work together on a committee and agree on what should happen, it can happen.

Queensland would not have the Sanctuary Coves that the members opposite permitted for financial and commercial reasons if the committees had been established along the lines recommended in this legislation. An advisory committee needs balance and the Minister can appoint to it people with the necessary expertise—in the past, members opposite used such committees—who can provide the technical information necessary so that departments and Government can agree on the type of development that should or should not take place along the coast. When those people are all in one room together and make that sort of decision, that is the sort of decision that Queenslanders need—not the half-baked decisions made by private interest groups pushing from outside. Queensland needs the type of advisory committee recommended in this legislation. That is important for the long-term future of Queenslanders. The only way that such a committee can be established is by following the balanced guidelines of this Bill.

Mrs McCAULEY: I express my concern about the fact that nowhere does the legislation refer to representatives from local government. I know that the Explanatory Notes refers to three representatives from local government. I cannot understand why such a reference was in the 1993 draft Bill and has been deleted from this legislation. When this legislation becomes law, I guess the Explanatory Notes will go into the bin and there will be no record of the fact that there will be representatives from local government. I think that is most important. If the Minister is intending to do that, it should be part and

parcel of the Bill—not just part and parcel of the Explanatory Notes. I would like him to explain why he has dropped that section. Above all, those elected representatives in local government are accountable to the people. Other representatives do not have that same accountability.

Mr BARTON: I think a few points need to be made. The member for Burnett raised a different question again, so I will repeat for him what I said this morning. In the case of major appointments, nobody rules a person in or out before that person's position has been taken to Cabinet. I am not ruling Dr Clark in or out, and the members opposite will just have to wait and see. I am amazed that on this matter, for the fourth occasion in the past week and a half, people are sticking their heads up to have them hit, such as Lyn Warwick has done on three occasions. I am not going to speculate. In common with everybody else, the honourable member will have to wait and see. I think the member is in for a hell of a bloody shock when I announce that appointment.

The CHAIRMAN: Order! The Minister will draw that term.

Mr BARTON: I will withdraw that unparliamentary term. I must admit that my exuberance got the better of me.

Mr FitzGerald interjected.

Mr BARTON: I am very proud of my background as a blue-collar, working-class person.

The CHAIRMAN: Order! The honourable member for Lockyer will also withdraw the unparliamentary term.

Mr FITZGERALD: Certainly, I withdraw.

Mr BARTON: It is not the Government's drafting practice to include composition of councils into legislation, because to do that would be to be completely inflexible and not allow for any exigencies that may arise.

To respond to the member for Callide's comment—she should know full well that these days Explanatory Notes can form part of the consideration by a court in determining the intent of the Legislature as it can the Minister's second-reading speech. If the member for Callide—

Mrs McCauley: You don't mention it in your second-reading speech.

Mr BARTON: I take that inane interjection. We issued a press release after the member for Callide issued her press release claiming that I had not mentioned local government. I mentioned local

government and those appointments a number of times in my second-reading speech and I suggest that she go and sit in the corner with a candle and read it and find out for herself.

Mr Bredhauer: Hang on, we will have to get someone else to read it for her.

Mr BARTON: I think that is probably a good idea. We will have someone read it for her.

Mrs McCauley: You shouldn't indulge in personal abuse.

Mr BARTON: If the honourable member indulges in personal abuse, she will get a bit back.

The Government has made it very clear in the Explanatory Notes that there will be three representatives from local government. I have had discussions with the Local Government Association of Queensland. They are happy with that ratio. It is important that the committee is composed of, as the member for Woodridge said, appropriate people from across Government departments, because the planning of coastal areas requires a whole-of-Government approach. That is why the director-general of my department is proposed as chair, with three representatives from the Government departments that have the most involvement in terms of land and broad planning issues related to the coast. I do not propose to accept the Opposition's amendment, because that would be to unbalance the committee in another way. We have very carefully ensured that industry, the conservation movement, fishing interests and so on are all represented in the five people whom we propose to have representing community interests on the ministerial council.

As to the detailed consultation processes that we went through, including consultation in recent weeks about this Bill before it was introduced—those discussions included bodies such as BOMA and the UDIA. They were very happy with the ratio and the mix of members that is recommended in this legislation. As a result of those discussions and earlier discussion with the LGAQ, an additional local government representative was added—as I said in my reply to the second-reading debate—and an additional industry person was added. This amendment is an example of the Opposition wanting to insert inappropriate information into legislation. If this amendment were inserted, instead of having a council, we would have something more akin to a mass meeting.

I also repeat for the record that I originally came from the north. In all of the adult jobs that I have had, I have had Statewide responsibilities. I have spent enormous amounts of time in every area of this State. I understand the need to get a balance that represents geographical regions as well as gender and experience. During the time that my ministerial colleagues and I are Ministers, I am very sure that that balance will be achieved, and I oppose the amendment that has been moved by the Opposition.

Mr SLACK: The Minister is saying that we have to take his word for it. In his explanation, he said that situations could arise in which he may not be able to follow the Explanatory Notes. That is one of the reasons why local government, for argument's sake—and the Opposition spokesperson for local government has made this point—wants enshrined in the Bill the three representatives which it is entitled to have on the advisory council.

I also take the Minister to task on a point that he made yesterday in a second-reading speech about local government. My understanding of what he said was that local government supports this Bill. I have not read anything that states that local government supports this Bill. Does the Minister have a press release or something to the effect that local government supports it? Representatives of local government have said to me that they have reservations about aspects of this Bill and that they would like to see amendments to clauses that they are not happy with, and this clause is one in particular.

In his contribution, the member for Woodridge referred to the provision in the Opposition's amendment for at least 50 per cent of the membership of the advisory council to reside outside the Brisbane metropolitan area. I believe that is absolutely fair and reasonable. I cannot understand why anyone would say that more than 50 per cent of the representatives of the advisory council should reside in the City of Brisbane when there are cities such as Townsville, Cairns, Bundaberg, Mackay, Maryborough, the south coast—

Mr Littleproud: What about 1770?

Mr SLACK: I thank the member for Western Downs. I refer to towns such as 1770. I refer also to the coastal rural areas that will be affected by this Bill and from which members of the advisory council could be chosen. There are no ifs, buts or maybes; we should have equal representation. No doubt we can get expertise from Brisbane, but we can also get it from areas outside Brisbane.

The other point I raise is the necessity to have departmental people, to whom the Minister has made reference, within the consultative group. There is nothing to preclude a person or two persons representing more than one department, or having the responsibility of those departments to liaise with other departments or to liaise with a director-general of another department about the effects of a decision or recommendation made by the consultative group. In effect, what the Minister is saying is nice and convenient but, as an argument, it holds little weight. The Opposition believes that it must continue to support this proposed amendment.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 44—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Burns, Campbell, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

NOES, 44—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

The numbers being equal, the Chairman cast his vote with the Ayes.

Resolved in the **affirmative**.

Clause 17, as read, agreed to.

Clauses 18 to 20, as read, agreed to.

Clause 21—

Mr SLACK (4.40 p.m.): I move the following amendment—

"At page 14, lines 14 to 16—

omit, insert—

'21. The members of the regional consultative group must include—

- (a) all elected members of the Legislative Assembly resident in the region; and
- (b) representatives of local government, tourism, conservation, primary and secondary industry, and Aboriginal and Torres Strait Islander interests.'

I have a very good reason for moving this amendment, because the Opposition believes that this clause, as it stands within the Bill, is not specific enough to give confidence to groups which feel that they should be included within the regional consultative groups. That message is coming through particularly loudly from a major stakeholder, namely, the primary industries sector, and there is no doubt that other sectors of industry share that view. It is very apparent to the Opposition that the primary industries sector is very confused about the proposals in the Bill. Primary producers are receiving a lot of legislation at once which involves many requirements that affect them. The PEDDA Bill is coming down the track; and there is also the ROSS scheme to consider. People are getting very worried that they will not be included in the formulation of policy that will directly affect them, particularly their future financial well-being. This is one of the reasons that I have moved the amendment.

The Opposition feels very strongly that the consultative group must be answerable to the people and must be seen to be answerable to the people. If the Minister is appointing that particular group—and obviously will continue to appoint that particular group—people must have an assurance that they will be represented within the consultation process. If the Committee agrees to this amendment, it will be a step in the direction of giving the public greater confidence in regional consultative groups.

Yesterday, the member for Cook raised a question in relation to the proposal to include elected parliamentary representatives. We are not talking about all elected parliamentary representatives within Queensland; we are talking about parliamentary representatives along the coast—those areas that would be affected by this legislation. I do not believe that is unreasonable, because this group of people could provide the most widespread representation—apart from councillors—on any of the effects of the legislation. It is only fair and reasonable that they have the opportunity to be included within the consultative group. The other question that arises in respect to this is the size of the areas that we are going to be talking about. Yesterday, the member for Cook talked about a region extending from Caloundra to the border. Are we going to have very large regions, or are they going to be smaller regions where people have some direct input into the planning process? Will they be large regions with very small groups making remote decisions which could affect the future livelihood of others?

Mr BARTON: I do not propose to accept the amendment that has been moved by the Opposition. I think it is very clear—as the member for Cook indicated two days ago in the debate on the second reading of the Bill—that members of Parliament are already in a very privileged position: they have a capacity to put their views forward in Parliament; in terms of doing their job, they have the capacity to influence planning decisions, and a great deal of notice is taken of their views within the community by planning bodies. It would be absurd to place members of Parliament onto those regional bodies as of right.

In terms of trying to write in what the representation would be—I have already indicated that it is not a current practice of the Government, in terms of when legislation is put forward or amended, to spell out what the exact representation on those types of bodies should be. I have already indicated that regional consultative groups will have representation from local government, tourism, conservation, industry and Aboriginal and Torres Strait Islander interests. Representatives may also be sought from the commercial and recreational fishing industries. Representation from local government was intended to include one representative from each local government in the region.

The regions are going to be fairly flexible, but they will not be so large that group members cannot make decisions about local areas. There are some logical regions of this State, and we have already indicated where we believe the initial emphasis will have to come from, that is, the tropical coast, the Whitsundays, the Capricorn Coast and the south-east Queensland coast. There may well be a region from Caloundra to the Tweed, but that is still an area where people can travel backwards and forwards fairly quickly. There is a capacity to have very effective community input and consultation as a result of those regional consultative groups. Consultation has been a feature of Government in this State only since 1989, and we are very comfortable with what we are proposing. It is my intention to reject the amendment moved by the Opposition spokesperson.

Mr LAMING: I support the amendment regarding the inclusion of State representatives on the consultative groups. There are many interests to be covered in this type of legislation, and the Minister has outlined various community groups. However, I do not believe that all community groups would have an interest in this sort of legislation, as that would include nearly every

group in a given community. A lot of people with an interest actually have to go to work to earn a living and cannot get along to meetings. It is not only inconvenient, it is impossible, particularly for people in small business or full-time employment.

On the other hand, elected representatives are elected to represent all the interests of the community in which they live and by which they have been elected, unlike some of the representatives who might finish up on those groups. State Government advisory groups and local councils often feel that they are overpowered by some decisions and policy mechanisms. I cite as an example the SEQ 2001 process. Local government feels that it has to respond to decisions that are basically being made by public servants, and it is very concerned about that. Another example would be the suggestions of the ROSS scheme, which have caused great concern, particularly in the hinterland of developing areas.

The member for Cook said that it would be impractical for elected members of Parliament to be members of those committees. Many of the things that members of Parliament do and attempt to do are sometimes impractical, because we tend to stretch ourselves very thinly. That is the nature of the beast, and that is why we are in this job. An advantage of being a formal member of such a group would be that one would get the agendas, know when the meetings were being held and what was to be discussed, and would receive the minutes of those meetings. Members would be informed.

When people in the community are concerned about something that State Government instrumentalities are doing, who do they ring? As the Minister would know, they do not search through a lot of paperwork to try to find out who is the relevant community representative on a particular committee. Because they are unable to find out, they ring their local member. It is very important for local members to have the opportunity to be fully involved in and advised of what is going on in that very important planning process.

Amendment negatived.

Clause 21, as read, agreed to.

Clauses 22 to 45, as read, agreed to.

Clause 46—

Mrs McCAULEY (4.51 p.m.): From a local government point of view, this is probably one of the most important clauses in the legislation. I believe very strongly that the department must not have the power to

amend current planning schemes. Local government should have the autonomy to do that. If the department has that power, as it will under this clause, local governments should be reimbursed for planning scheme amendments costs and any compensation claims that arise from amendments, otherwise local governments could be left carrying the can and might find themselves up for a lot of money. I believe there has been an understanding between the department and local government that the power is to apply only within control districts, but that is not stated clearly. I ask that the Minister clarify this matter now so that the position goes into *Hansard*. I hope that the Minister can answer that question without descending into personal abuse again.

Mr BARTON: I get a bit sick of being a punching bag that is not expected to hit back. Let us look at how planning schemes may be amended under these provisions. Clause 46 provides that a local government planning scheme may be amended by the Governor in Council where there is an inconsistency between the planning scheme and an approved regional coastal management plan. This clause is essential to prevent legal anomalies between the two plans developing. When a similar provision is available through another Act—and it is proposed to be introduced to the Local Government Act by the PEDAs legislation—this clause will be repealed as it will no longer be necessary.

Accordingly, the provision is limited to the amendment of planning schemes prepared under the existing Local Government (Planning and Environment) Act 1990. In administering these provisions, State and regional council management plans will be prepared as documents that are legally binding in control districts. Outside control districts, coastal management plans will be prepared in such a way that they are policy documents. In local government areas outside control districts, they will operate in the same manner as State planning policies to which local governments must have regard when making planning decisions or assessing development applications. A head of power will also be incorporated in the planning, environment and development assessment legislation to ensure that coastal management plans outside of control districts are treated in the same way as State planning policies under that particular legislation when it comes into being.

Before a local government scheme can be amended under this provision, the local government and any land-holders affected are

given an opportunity to make a submission to the Minister about the proposed amendment. If the local government planning scheme is amended, any land-holders affected by the change of zoning may apply for compensation in accordance with the provisions of Chapter 5, Part 1. That is included in clauses 86 to 94. I hope that answers the question that has been raised by the member for Callide. Very clearly, a degree of consistency must exist across planning legislation in this State. That is what is intended by the Government. Depending on the nature of the zone, that is how it will impact.

Clause 46, as read, agreed to.

Clause 47—

Mr SLACK (4.55 p.m.): I move the following amendment—

"At page 25, lines 3 and 4—
omit."

This amendment relates to the declaration of control districts. Clause 47(4) of the Bill states—

"A regulatory impact statement under the Statutory Instruments Act 1992 need not be prepared for the notice."

My proposed amendment to proposed section 47(4) deletes that clause. I make no apologies for that. This issue was raised by the Scrutiny of Legislation Committee. The committee refers to its responsibility under the Act, and draws attention to section 46(2) of the Statutory Instruments Act which, in its opinion, covers the amendment proposed by the Minister. Section 46(2) states—

"A regulatory impact statement also need not be prepared for proposed subordinate legislation if, or to the extent, it would be against the public interest because of the nature of the proposed legislation or the circumstances in which it is made."

This provides for exceptional circumstances in which a regulatory impact statement may not be prepared. It would appear that this is desired by the Government. In these circumstances, if it is not covered by the definition, there does not appear to be a reason why an impact statement should be prepared. That is the definition contained within the Statutory Instruments Act.

I wish to hear the Minister's explanation for this. The Opposition concedes that this is something that it would not have picked up. That is one example of why we have a Scrutiny of Legislation Committee. It picked up

that clause and brought it to the attention of the Parliament.

Mr BARTON: We also acknowledge that this is an issue that was picked up by the Scrutiny of Legislation Committee. As such, we had a very detailed look at it and sought advice from the parliamentary draftsman to clarify our position and to make sure that we had got it correct. It is our view that it is still necessary to be included in the legislation. This will ensure certainty. We want to be sure that in emergency situations we can act immediately to prevent what may otherwise become disasters. We do not want to be worried about whether or not the circumstances are such that we can act without having to prepare a regulatory impact statement. This clause clarifies the position and ensures that the department can act immediately in emergency situations without having the unnecessary delay of having to have recourse to the Statutory Instruments Act of 1992.

This is not something that either slipped in on the drafting or was slipped in by the department or me. I submitted this matter to Cabinet for a decision. We were conscious of the need to state that an RIS would not be required in emergency circumstances. Without wasting the time of the Parliament—or boring honourable members—I can think of a whole range of emergency circumstances that may require instant action by a Minister and in respect of which the public would skin us alive if we did not take action and said, "We couldn't take the action because we had to go through the formal process of an RIS."

Mr Slack: Can you give us an example?

Mr BARTON: For example, if we had a cyclone and a beach was being washed away and was close to taking roads, buildings and high-rises with it, we would not want a delay while we checked whether there was a need to do an RIS before authorising emergency work. In any case, we would probably be covered if we did simply take that action. That is why I make the point that that clause is intended to clarify that in an emergency situation the Minister can take immediate action without having to be bogged down in red tape.

Amendment negatived.

Clause 47, as read, agreed to.

Clause 48—

Miss SIMPSON: This clause means that control districts with a range of yet-unknown controls that come into effect without a change of land use and without

compensation may apply to a large amount of my electorate. I refer in particular to—

". . . land up to 400 m inland from the high water mark along the foreshore; or

at a river mouth or estuarine delta—over land up to 1000 m inland from the high water mark at the river mouth or estuarine delta; or

along tidal rivers, saltwater lakes and other bodies of internal tidal water—over land up to 100 m from the high water mark along the river, lake or body of water . . ."

I ask the Minister: will the concept of control districts be used by the Government to impose riparian corridor regulations or requirements on freehold land?

Mr BARTON: The question of whether we will use control districts to declare riparian corridors is similar to what the Beach Protection Act has done in the past on beaches. We need to ascertain whether there could be any damage done to the coast which may require us to use our capacity to declare a control district. There are some very firm limits on where control districts may be declared. They do provide for maximum limits—for example, they can cover all tidal waters up to the limit of Queensland territorial waters; along a foreshore, up to 400 metres landward from the high watermark; at river mouths or an estuarine delta, up to 1,000 metres from the high watermark; along the upper tidal reaches of rivers and creeks, 100 metres from the high watermark; and all the land area on every island situated in Queensland's coastal waters. The above limits are maximum only, and in many instances the landward limit will be less, particularly where there is intense existing coastal developments, because it is not intended to interfere with existing developments.

The actual boundaries will be determined through a public consultation process allowing for community and land-holder input into the boundary determination. It also requires the Minister to be able to justify that boundary. The public exposure draft of the Coastal Protection Bill released in 1993 proposed a one kilometre limit for control districts. That has been amended to the limits that I have just read out—and I did that because I wanted to get them correct and in their proper context. There was criticism of our going back as much as one kilometre from those regions instead of the much more restrictive provisions that this Bill provides for.

Whether or not there will be some impact on the riparian areas is open to public consultation at the time. It will very much depend what is being proposed for an area as to whether we would seek to exercise our rights for a control district.

Miss SIMPSON: I have a further question on that matter. The Minister stated that the control districts and their boundaries would have to be justifiable. Noting the limits, I ask: will this be based upon scientific evidence?

Mr BARTON: I imagine that we will have to justify it. If we are looking at issues such as that, yes, we would have to look at whatever evidence was being put before us in terms of whether there will be a genuine impact on the coast by what is proposed. I am a little bit reluctant to openly acknowledge that it will be based on scientific evidence, because there is scientific evidence and there is scientific evidence. Clearly, this is not about interfering in individual's rights. We would put a control district in place only so that it could be used indirectly to protect riparian vegetation.

Mr ROWELL: I have some questions for the Minister on the subject of control areas. Will the constraints that may be placed on properties—and they could be both freehold and leasehold properties, I presume—be permanent, or will they be temporary? There are a number of activities being conducted in those areas. They could be agricultural lands. There may be floodgates in those areas. There could be drainage outlets. There could be a whole range of activities being conducted. I seek some indication of the constraints that would be placed on those lands and whether the control areas are permanent or temporary.

Mr BARTON: Again, it will depend on what type of development is being sought within a control area. Let us take the example of an aquaculture proposal. Over the last couple of months I have looked at some of the major aquaculture operations—both those in operation and those under construction—within the member's electorate. If there is the potential for such a proposal to impact in a negative way, then we might put a control district in place so that we can enforce some standard with regard to its construction.

Clearly, in relation to the whole issue of compensation and interfering with private property—and it would be intended to have some impact on privately held land, not just leasehold land—we may well require some surrender provisions in a control district, but that surrender would be only where people are

seeking to change the land use. If people have an as-of-right land use at this point in time and if we interfere with that, then they would be granted compensation. If they do not have an as-of-right use and they are seeking to enhance their right, we may well require some surrender provision without compensation to allow them to proceed with the facility that they are seeking.

Control districts are approved only as part of a plan. They are subject to review with the overall coastal plan. Probably the most important feature of this legislation is the formulation of a comprehensive plan for the entire coast. Those control districts will be reviewed every seven years when the overall plan is reviewed; so it will be a living document over that period.

Clause 48, as read, agreed to.

Clause 49—

Miss SIMPSON (5.08 p.m.): This clause refers to things that must be considered before an area is declared a control district. I draw the attention of the Minister to subclause (c), which relates to public access. I ask the Minister: will he please provide greater clarification as to whether public access could be imposed upon people's land under the control districts?

Mr BARTON: Public access is one of the most important things that we need to address in terms of the coast. There has been a great deal of criticism in some areas where the perception is that private land has locked up major beaches. People who want to exercise fishing rights are claiming that they have had their public access restricted. In putting a control district into place, if we did have an area where public access was being restricted—particularly where it involved freehold land on the coast where people were seeking to put a development into place—we may well say to those people, "As part of giving you that extra right"—if they do not have as-of-right development rights already for the land—"we will be requiring a land surrender so that there can be public access to the coast itself." I should stress that it could be part of that type of exchange, but it is not intended to put easements over existing privately owned freehold land. Surrender provisions would be applied only when there was an application to obtain an enhanced development right or, in turn, if we wanted public access as part of the plan. Otherwise, we would have to pay compensation to the people who own that land.

Miss SIMPSON: I thank the Minister for his explanation. I will outline the background

as to why this has become an issue of concern. This legislation does not refer only to beaches and to the primary and secondary dunes; it refers also to river banks and creeks. In the last few months debate has been raging on the Sunshine Coast with regard to riparian zones. Land-holders have found that people have already been marching up the banks of the creeks and the rivers and saying, "We have a right to be here", even though under the current legislation I understand that they do not. My concern was that this legislation may have been used to provide some future public access to those areas in which there are tidal creeks and rivers quite a deal inland from the coast but which would be caught in the control districts under the legislation. I take it that the Minister gives an assurance that the legislation will not be used to give public access to rivers and creeks under the control districts.

Mr BARTON: That is not the overall intention. I have to say that, but it is within the definition of what is a control district, as I explained several clauses back, and only in the types of circumstances that I have mentioned already, because I do take it that a control district might be in a tidal estuary, but typically that would happen only where there are additional development rights being sought, I would think.

Clause 49, as read, agreed to.

Clause 50—

Miss SIMPSON (5.11 p.m.): I have a quick question of the Minister. Where prospective landowners do a search to see whether there is a current protection notice applying, I understand that they will be able to find out whether protection measures are in place. I want to know what measures will be put in place for those who are intending to buy land to enable them to find out whether that proposed land is affected by a control district.

Mr BARTON: I am looking to get my head around this particular one. The clause does provide that public notification be made prior to the declaration of amendment or abolition of a control district with a minimum period of 40 days provided to enable any member of the public to make a written submission on the proposal prior to it going to the Governor in Council for determination. It also provides that anybody making a submission to me can request a written response, which the Minister is required to provide. If we are going to reject the person's submission, including, where relevant, the reasons why the person's land was included in the district, then we do have to give reasons.

They are public documents. They are held by local government. Once those decisions are made, after consultation, I imagine that a legal search of the public records held by local government would show up if people were interested in buying a particular property to find out whether there were any such restrictions on or changes to the property that they were looking at.

Clause 50, as read, agreed to.

Clause 51, as read, agreed to.

Clause 52—

Mr BARTON (5.14 p.m.): I move the following amendments—

"At page 27, line 16, after 'within the'—

insert—

'reasonable'.

At page 27, line 18, after 'take the'—

insert—

'reasonable'."

I think these amendments are straightforward. I will give a brief explanation. They certainly were issues that were picked up by the Scrutiny of Legislation Committee. While we do not feel that they are absolutely necessary, we accept that it will nonetheless make it clearer for people. I do note that they were also consistent with amendments on these clauses foreshadowed by the Opposition, and we thought we would let them have a win for the afternoon.

Mr SLACK: That may have been a flippant remark, but I think it may be near the truth as well, which in itself says something. We support the amendments moved by the Government.

Amendments agreed to.

Mr SLACK: I move the following amendments—

"At page 28, after line 9—

insert—

'(4A) However, the chief executive may give a coastal protection notice to the owner of land only if—

- (a) the chief executive is satisfied an act or omission of the owner is likely to cause degradation of the coast; and
- (b) the chief executive has taken reasonable steps to negotiate with the owner to take action to prevent the degradation—if the name and whereabouts of the owner are known; and

(c) the negotiations have been unsuccessful.'

At page 28, after line 13—

insert—

'(7) This section does not authorise the chief executive to give a coastal protection notice preventing an owner of land from carrying out works under a lawful approval.'

These amendments attempt to clarify and further define clause 52 (4) and to bring it in line with the Explanatory Notes provided by the Minister, which state—

"The intent of a coastal protection notice is to stop actions that degrade the coast or require actions that prevent degradation of the coast where the landowner is responsible for the degradation. A notice will only be used where there is fault but not necessarily illegality on the part of the landowner and before a notice is issued, negotiation with the landowner will be used as a first option in order to remedy the problem and avoid the issue of a notice. Notices will not be used to remove a landowner's lawful approval to undertake works."

We are proposing to insert two subclauses to better reflect that statement that appears in the Explanatory Notes. Proposed subclause (4A) would protect the person who may be affected, the landowner. I make it quite clear, because I am conscious of the time—this is probably one of the last amendments that we will move—that we are very strong as an Opposition in respect of compensation for anybody who may be disadvantaged as a result of this Bill, who may lose property rights that they held before this Bill came into force.

There is nothing in that proposed subclause to say that we do not support coastal protection, notices, or anything like that. What we are saying is that where a property owner who, as a result of this Bill, will have his property downgraded, or may have to do something at his own cost that he did not previously have to do, and that would have been reflected in the price that he paid for a piece of land, then that should be recognised by this Government. This Government has fallen far short of the mark on that aspect as far as environmental legislation is concerned.

The Government likes to bring in environmental legislation, which we support and see the necessity for when it benefits the community, but there has been a deliberate approach by this Government which will penalise some rural land-holders and other

land-holders in the longer term. This Government is expecting them to pick up the tab on behalf of the community. We do not believe that that is fair or reasonable in any way. I am making these points now because of the limit on the time allowed for debate at the Committee stage. We want to ensure that property rights are not degraded as a result of this Bill. While we can agree with the concept of the protection envisaged in the Bill, we believe that there is the necessity for an extra safeguard to be inserted, bearing in mind the fact that there is no provision for compensation in this clause.

We believe that the amendments that we have moved are reasonable, and they affect some later clauses, which obviously we will not have time to debate. I make this point before I conclude: there were 20 amendments foreshadowed to this Bill. We have now reached the eighth. It is a very important Bill, as the Minister and everybody acknowledges. It had a five-year lead time. It is then presented with clauses which do not tally with the Explanatory Notes, so obviously it needed some scrutiny. The Scrutiny of Legislation Committee believed that it needed some examination and came up with some suggestions to resolve what it saw as problems. It saw a problem with this clause. We very strongly believe that these proposed subclauses should be added. The Scrutiny of Legislation Committee also raised this very question. The amendments we are proposing to safeguard the fair and reasonable interests of the people involved state—

"(4A) However, the chief executive may give a coastal protection notice to the owner of land only if—

(a) the chief executive is satisfied an act or omission of the owner is likely to cause degradation of the coast."

In other words, if it is the owner's fault, he has to pay for it, but if it is not, he should not have to. It continues—

"(b) the chief executive has taken reasonable steps to negotiate with the owner to take action to prevent the degradation—if the name and whereabouts of the owner are known; and

(c) the negotiations have been unsuccessful."

As to amendment No. 7—the clause does not authorise the chief executive to issue a coastal protection notice preventing an owner of land from carrying out works under a lawful approval. I and believe that the amendment should be supported by the Government if it is

fair dinkum and wants to adhere to the Explanatory Notes.

Mr BARTON: I will attempt to answer the question. Those issues were put to us by the Scrutiny of Legislation Committee also. We have had a very close look at their possible impact. If we are handling both amendments 7 and 8 together, I will deal with both of them together. The clause does give the chief executive the power to give a coastal protection notice to a land-holder. I think it comes back to the sets of circumstances. I know that, particularly with amendment No. 8, the Opposition is seeking some more surety in addition to what is already placed in the Explanatory Notes.

Mr Slack: No, to concur with the Explanatory Notes.

Mr BARTON: To concur with the Explanatory Notes. The Explanatory Notes spell out—and I stress this point—some examples of the types of issues about which the chief executive could take that action. They are not meant to be all-encompassing of every set of circumstances. They are meant to give some guidance on the types of issues that may come forward about which the Government believes the chief executive would need to take that type of action.

As to amendment 7—we must consider who is potentially responsible for that land. If we are considering a set of circumstances in which an unlawful structure has been built on the land or repairs are needed to be done to the land, the Government does not believe that it should pick up the bill and expend public money for the work involved. I am aware that there could be circumstances in which the unlawful action was taken by a third party. For example, a person may have built a fishing hut on another person's land. I know that a lot of fishing huts have been built in the honourable member's electorate, because I have seen many of them and stayed in a few. Many of those have been built legally and in some cases a blind eye has been turned when people have built those structures. If a structure or a wall has been built of necessity to stop erosion and that wall is an unlawful structure, if that structure is on privately held land, the owner has some responsibility.

I appreciate that we have absentee landlords and land that owners may not get across all that frequently, but, nonetheless, the Government's view is that it cannot accept amendment 7 because we do not believe that the State should be responsible for picking up the tab for repairs or costs when it was not the State that caused the problems. We do not

believe that we can accept that amendment because that would require the State to be responsible for those repairs.

As to amendment 8—I stress that they are intended as examples and they are not all-encompassing. Those examples are intended to give some direction and advice on how that clause is to operate. We do not believe that it would be appropriate to put into the legislation what are intended to be only examples, because that might be ultimately limiting in terms of how courts may interpret the legislation.

Question—That the words proposed to be inserted be so inserted; put and the Committee divided—

AYES, 44—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 44—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Burns, Campbell, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

The numbers being equal, the Chairman cast his vote with the Noes.

Resolved in the **negative**.

The CHAIRMAN: Honourable members, the question is that clause 52 as amended and clauses 53 to 105, Schedules 1 and 2 and the Minister's remaining amendment as circulated be agreed to.

Motion agreed to.

Bill reported, with amendments.

Third Reading

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

VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT AMENDMENT BILL

Hon. W. M. EDMOND (Mount Coot-tha—Minister for Employment and Training and Minister Assisting the Premier on Public Service Matters) (5.33 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Vocational Education, Training and Employment Act 1991."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mrs Edmond, read a first time.

Second Reading

Hon. W. M. EDMOND (Mount Coot-tha—Minister for Employment and Training and Minister Assisting the Premier on Public Service Matters) (5.34 p.m.): I move—

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

The legislation before the House has three main purposes—

to establish a statutory standing committee of the Vocational Education, Training and Employment Commission to provide advice on the vocational education and training issues affecting Aboriginal people and Torres Strait Islanders;

to provide the statutory basis for reforms to the TAFE Queensland institute delivery system; and

ensure the Vocational Education, Training and Employment Corporation may (and always has been able to) perform its functions in the domestic and international training marketplaces.

The Vocational Education, Training and Employment Act 1991 establishes the Vocational Education, Training and Employment Commission. The commission is a tripartite body that amongst other things provides advice to Government on the development of vocational education, training and employment. Underpinning VETEC are three statutory standing committees—

(1) the State Training Council, which is responsible for providing advice on and carries out the regulation of the training systems, including apprenticeships and traineeships;

(2) the State Planning and Development Council, which is responsible for the provision of advice on the strategic direction for the vocational education, training and employment system; and

(3) the Accreditation Council—the authority responsible for the recognition of training and regulation of accredited courses and training providers.

Historically, vocational education and training for Aboriginals and Torres Strait Islanders has been inadequate. This has been aggravated by the geographical isolation of many communities and cultural differences. In 1992, the Aboriginal and Torres Strait Islander Standing Committee on Vocational Education, Training and Employment was established. In 1993, the committee changed its name to Nagi Binanga. The word "nagi" means "look" in western Torres Straits language, while "binanga" translates as "listen" in Yidinji from the Cairns region.

Since 1992, Nagi Binanga has provided advice to the Vocational Education, Training and Employment Commission on policy matters relating to vocational education, training and employment of Aboriginal and Torres Strait Islander people such as—

(1) Strategies for increasing participation of indigenous people in vocational education and training programs; and

(2) The needs and priorities for the development of vocational education and training for Aboriginal and Torres Strait Islander people.

An example of the valuable work already done by Nagi Binanga is the development of a five-year strategic plan to achieve these objectives. The establishment of Nagi Binanga as a statutory standing committee of VETEC will indicate the recognition of the unique education and training needs and the cultural differences of indigenous people and will give Nagi Binanga extensive credibility with organisations both within Queensland and nationally. It will also ensure that the delivery of vocational education and training for Aboriginal and Torres Strait Islander people continues to grow and meet the needs of local industries and communities.

The Vocational Education, Training and Employment Act 1991 also establishes the relationship between VETEC and the TAFE system through a network of college councils. The councils provide advice to the commission on the continuing and emerging vocational education and training needs within the local communities and means of improving service delivery to meet those needs.

Since 1993, TAFE Queensland has embarked on a workplace reform agenda which will ensure TAFE's competitiveness within the training market, both domestically

and overseas. This has delivered significant productivity gains to the organisation and, importantly, it has changed fundamentally the way in which TAFE operates. The formation of TAFE institutes has been a major part of this reform agenda. Sixteen institutes have been formed collaboratively in close consultation with the relevant communities. This has resulted in a variety of forms, sizes and structures. But, consistently, the institutes have developed and are continuing to develop systems and processes that allow them to respond to local community and industry interests.

The institute formation has allowed greater efficiencies within the TAFE system that can be put back into improving the vocational education and training system. Where amalgamation of colleges has occurred, greater sharing of resources has meant not only better utilisation of resources but it has enhanced the capacity of some institutes to provide resources and services to client groups.

Incorporation of the regional structure into the institute structure resulted in savings of over \$400,000 in 1994-95, which contributed to the provision of five mobile learning units to the far-north Queensland, Barrier Reef, central Queensland and Mount Isa institutes, and Southbank institute in the first full year of operation achieved savings of \$800,000, which was channelled back into more student places and more courses. These examples clearly illustrate the benefits derived for both users and industry.

The legislative amendments will establish institute councils to reflect this new delivery structure. These councils will provide advice to directors of TAFE institutes on the ongoing and emerging needs in vocational education in the community and local industry. Provision is also made for the continued existence of college and campus councils, if necessary. In addition, the membership of the councils has been revised to ensure that community and industry views predominate. This has been achieved by decreasing the number of Government representatives. Institutes are now multimillion-dollar business operations, and the advice and guidance of community and industry leaders is a key component of their advisory networks.

TAFE Queensland is also a key exporter of vocational education and training services. Total revenue generated by TAFE Queensland since 1989 has exceeded \$33m, which establishes the organisation as one of Australia's top 500 exporters. It has also over

3,000 full fee-paying international students from more than 80 countries resulting in a \$15.8m injection into the Queensland economy. In addition to this, TAFE Queensland has been active in the delivery of vocational education and training services in countries such as Indonesia, Malaysia, Papua New Guinea and Western Samoa. These activities have earned over \$9.5m since 1989. These operations have created extra revenue which, in turn, has enabled TAFE to offer more student places than it would otherwise have been able to achieve. Today's amendments will include provisions which will allow the Vocational Education, Training and Employment Corporation to continue its operations outside Australia.

The true impact of these legislative amendments are that they will ensure the vocational education and training system in Queensland remains responsive to the needs of local industry and the needs of the local community. This in turn will provide the vocational education and training framework to ensure that Queenslanders can develop the skills and knowledge necessary to support the domestic and international competitiveness of industry. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

WORKERS' COMPENSATION AMENDMENT BILL (No. 2)

Hon. W. M. EDMOND (Mount Coot-tha—Minister for Employment and Training and Minister Assisting the Premier on Public Service Matters) (5.40 p.m.), by leave, without notice: I move—

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

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mrs Edmond, read a first time.

Second Reading

Hon. W. M. EDMOND (Mount Coot-tha—Minister for Employment and Training and Minister Assisting the Premier on Public Service Matters) (5.41 p.m.): I move—

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

This Bill is part of a reform package designed to ensure fair, affordable workers' compensation for Queensland workers and employers into the next century. The reforms are intended to improve benefits for workers, maintain competitive premiums and restore the long-term viability of the fund. Reform is needed to address an unfunded liability of \$114.3m within the Workers Compensation Fund as at 30 June 1995 and a major contributing factor to this unfunded position, that is, the impact of a 48.7 per cent growth in common law claims in 1994-95. The reform measures have been developed over nine weeks of intensive stakeholder negotiations and I should like to record my appreciation to all stakeholders, as well as my departmental officers and Parliamentary Counsel, for the time and effort they have put into the finalisation of this package.

The package will deliver Queensland workers, their families and employers sound, affordable insurance and compensation for workplace disease and injury by: improving statutory weekly, lump sum and death benefits; maintaining workers' rights to proceed to common law, but requiring workers with less serious injuries to choose between improved statutory benefits and suing their employers; requiring injured workers with less serious injuries who choose to proceed to common law to meet their own costs; increasing the average premium rate from 1.7 per cent to 1.95 per cent plus a 10 per cent surcharge on premiums for five years; and introducing a requirement for employers to pay the first five days of compensation, including the day of injury. In addition, a comprehensive review program will be undertaken next year.

The rationale for the increased statutory benefits, the irrevocable choice and the requirement to pay one's own costs is to provide injured workers with fair compensation without having to resort to common law and its associated legal costs. Actuarial analysis has shown that injured workers are not gaining maximum benefit from common law action at the lower end of the scale. For claims settled in the \$0 to \$15,000 range, for each \$100 of benefits received by the injured worker, \$135 was expended in legal and associated costs. For those injured workers who still choose to proceed to common law with the risk of potentially expensive legal action, then the option of full common law access remains.

However, the Bill contains a number of amendments that will substantially improve statutory benefits, thereby providing workers with immediate financial compensation and therefore reducing their need to go to

common law. The statutory maximum compensation will increase to \$100,000, representing a 35 per cent increase in the total amount of weekly benefits and lump sum payments currently available to an injured worker. An additional lump sum of up to \$100,000 for workers with serious spinal cord and brain damage injuries will also be included. This additional lump sum payment will greatly assist those who have no redress at common law, such as those injured in work-related single motor vehicle accidents. Unlimited entitlement to medical and rehabilitation costs, including home modifications, for these workers will still continue.

The Bill also contains an amendment to the calculation of weekly benefits to more closely resemble injured workers' real take-home pay. Currently in Queensland, most workers on compensation benefits are paid at their award rate or industrial agreement for the first 39 weeks, after which benefits step down to a prescribed base rate. The amendments allow for weekly payments to be made at either 85 per cent of the worker's average weekly earnings for the previous 12 months or the industrial agreement or award rate, whichever is the greater. After 26 weeks, these workers will receive the greater of 65 per cent of the injured worker's pre-injury average weekly earnings or 60 per cent of Queensland full-time adult person's ordinary time earnings—to be known as QOTE. QOTE is an average Queensland earnings figure produced by the Australian Bureau of Statistics.

These changes will address the current inequities for those who regularly receive over-award payments, shift allowance or overtime or are engaged under piecework or incentive systems, for example, meatworkers, nurses, miners, building and construction workers. Under the current weekly payment provisions, an average boner who is earning an average \$516.73 a week would receive \$393.70 in weekly benefits. The proposed weekly payment for this worker would be \$439.22, which is an increase of over \$45 per week.

A step down in payments at 26 weeks post-injury, rather than the current 39 weeks, is designed to provide increased incentive for rehabilitation and return to work initiatives. Despite the earlier step down, most seriously injured workers will receive higher payments in the longer term than is currently available.

This Bill increases death payments to the dependants of a deceased worker. The maximum lump sum payment for dependants

will increase from the current amount of \$122,260 to \$160,000. In addition, the amendments allow for payment of a once-off lump sum of \$6,000 per child to dependants of a totally dependent spouse. Weekly payments for children will increase by 42 per cent from \$28.61 to \$41.64 per week. Actuarial costing of these death payments equates to increasing the lump sum component to \$180,000. Increased weekly payments for dependent children, rather than increasing the overall lump sum to \$180,000, ensures ongoing income support for those children where lump sum payments may have been depleted at an early stage. This package would place Queensland in the position of paying approximately the second highest death benefit in Australia.

As well as statutory payments being increased, all workers will retain their common law right to sue negligent employers. However, the Bill introduces an irrevocable choice between common law action and the improved statutory lump sums for workers with less serious injuries where the statutory lump sum payable is below 20 per cent of the new maximum statutory compensation. After an offer of a lump sum has been made by the board the injured worker has 28 days to accept the offer, reject the offer and proceed to common law or defer the decision.

The Bill also provides that in cases where injured workers below the 20 per cent threshold have chosen to sue, they and the board will pay their own costs. In addition, provision will be made for cost orders to be awarded against the worker or the board in circumstances where inappropriate offers have been made during settlement negotiations prior to trial.

However, if the injury or condition deteriorates and fresh medical evidence can be produced within a 12-month period, the level of impairment can be reassessed. If the fresh medical evidence identifies that there is an additional entitlement of lump sum of 10 per cent of the statutory maximum and that the total entitlement now exceeds 20 per cent of the maximum, the worker will be able to proceed to common law and have their costs met if successful.

The Bill will introduce new administrative procedures to support the irrevocable choice, including a certificate being issued on offer or acceptance of a statutory lump sum. If a lump sum has not been previously offered, as in the case of where a statutory claim has not been lodged, the injured worker would have to apply to the board for a certificate. A certificate

detailing the injured worker's lump sum entitlement is required prior to commencement of common law proceedings. The certificate for those with less serious injuries will make the consequences of the choice very clear, including cost implications.

The Bill replaces the current table of injuries contained in section 129 of the Act with a revised table in the regulation. The table will be used to calculate lump sums payable and therefore entitlement under the irrevocable choice and cost order provision. The new table will list an expanded number of modern compensatory injuries with the maximum impairment percentage for each injury and the lump sum payable. The method of assessment of permanent impairment to be followed by medical practitioners will be incorporated in the table. The new table will be user friendly for practitioners and achieve consistent assessment and equity for injured workers.

The proposal moves the table into the regulation to allow for the table to be continually reviewed to ensure it remains consistent with contemporary work-related injuries. In the case of physical or organic injuries, the board or injured worker may ask a registered medical practitioner to make a determination on the level of permanent impairment. If the impairment level cannot be agreed upon, the matter will be referred to the Medical Assessment Tribunal. The Medical Assessment Tribunal, comprising independent specialists, will be the final decision-making body for the determination of impairment levels.

For psychological injuries there will be no change to the current provision—the medical assessment tribunals will determine the level of impairment. In the case of physical or organic injuries the Bill specifies that psychological overlay cannot be added to the physical or organic impairment level when assessing lump sum entitlement for common law access. However, if successful at common law, damages may still be awarded for these psychological factors. It is the intention of the Government to review the management of stress claims, particularly with respect to early intervention and current stress unit pilot programs. I am concerned that workers with stress injuries are managed and not paid out and left to their own devices.

The Bill also expands the current definition of "injury" in relation to stress. It will exclude cases where reasonable action has been taken in a reasonable way to transfer or redeploy a worker. In instances where such

action is not reasonable, stress claims will still be accepted; for example, unreasonable action could be where an education administrator demands that a teacher who has taught in Brisbane for 20 years is moved to a regional centre the following week. The reform measures contained in these amendments will apply to injuries which occur on or after 1 January 1996.

In addition to changes which affect injured workers, this Bill includes reform measures which will impact on employers. It is proposed that the net average premium rate will be increased from 1.7 per cent to 1.95 per cent, with a 10 per cent surcharge on premiums to apply for five years. The Bill will allow for this surcharge to be applied. The overall net average premium rate will now become 2.145 per cent—the second lowest of any State system in Australia. These adjusted premium rates will apply from 1 January 1996. Employers will also be required, under these legislative amendments, to pay the worker the first five days of compensation, including the day of the injury. The board will make payments to an injured worker in legitimate cases if an employer refuses and recover those benefits plus a penalty of 50 per cent of the payment from the employer as a debt or as additional premium. Medical and other costs will continue to be paid by the Workers Compensation Board. This change will encourage ownership of claims and provide an incentive for employers to prevent workplace disease and injury—an investment in that old adage: prevention is better than the cure. It is worth noting that the intense public debate about workers' compensation reforms over the past two months has coincided with a marked increase in inquiries to the Division of Workplace Health and Safety about accident prevention.

In addition to the amendments contained in the Bill, a comprehensive review program will target other areas in the first half of next year. The review program will examine—

- the board's management of common law claims, looking particularly at cost-effectiveness and adherence to best practice in the insurance industry;
- the board's rehabilitation programs and services, to ensure the effectiveness of their link with statutory claims management and intervention at the workplace;
- improving premium collection and compliance with workplace health and safety standards, particularly in the building and meat industries;

- the merger of the Division of Workplace Health and Safety and the Workers Compensation Board;
- the board's appeal processes, particularly in relation to rejection and cessation of claims and determination of impairment levels; and
- workplace stress management strategies.

This reform package represents more than two months of hard work and negotiation by many people. The Government will monitor its effectiveness closely through six-monthly reports on the status of the Workers Compensation Fund. Ninety years ago, the member for Gympie, Andrew Fisher, a man who went on to become the first Australian Labor Prime Minister, told Queensland Parliament—

"Surely honourable members will agree that whatever way it is paid there must be some fund, either a charitable fund or a fund of this kind, from which to compensate the relatives or dependents of those (workers) who are injured."

Ninety years on, it is the same strong Labor commitment to sick and injured workers which underpins this Bill. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Hon. K. H. DAVIES (Mundingburra—Minister for Emergency Services and Minister for Consumer Affairs) (5.55 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend legislation about emergency services."

Motion agreed to.

First Reading

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

Second Reading

Hon. K. H. DAVIES (Mundingburra—Minister for Emergency Services and Minister for Consumer Affairs) (5.56 p.m.): I move—

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

This Bill will amend the Fire Service Act 1990 and the State Counter-disaster

Organisation Act 1975. Members will be aware that the Public Sector Management Commission recommended that the three Acts currently underpinning departmental operations be consolidated into a single statute. The Queensland Emergency Services Bill will recognise and maintain the separate and special identities of the Queensland Ambulance Service, the Queensland Fire Service and the Counter-disaster Service. The amendments proposed in this interim Bill will address certain issues which need to be addressed prior to the passage of the proposed Queensland Emergency Services Bill.

The Bill before the House recognises the important contribution made by our State Emergency Service volunteers in assisting at motor vehicle accidents and in search and rescue operations, particularly in rural and isolated areas of Queensland. The State Counter-disaster Organisation Act 1975 previously recognised the role of State Emergency Service volunteers in a declared state of disaster. This Bill will have the effect of providing the legislative underpinning and protections for volunteers assisting in this wider community role where a state of disaster has not been declared.

In addition to recognising the role of SES officers in providing incident response and support, the Bill will empower officers performing these functions to use warning devices and to take certain actions, such as cutting up a car, as part of a road accident rescue operation. Exemption from tolls for SES vehicles in the same manner as exemption is provided for Queensland Police Service, Queensland Ambulance Service and QFS vehicles is provided in the Bill. Such an exemption will only apply during the course of an emergency response by an SES vehicle with warning lights activated.

A key amendment to the Fire Service Act 1990 will be the recognition of fire officers as public sector employees under the Public Sector Management Commission Act 1990. This amendment, together with the repeal of the Fire Service appeal provisions will provide greater equity for these officers through access to the public sector promotional and disciplinary appeal processes. The amendment will remove references to internal promotional and disciplinary appeal processes and establish the Public Sector Management Commission as the external appeal authority in accordance with the public sector management standards. Auxiliary fire officers will continue to have a right of appeal in disciplinary matters. Similarly, such appeal

processes will be provided by the Public Sector Management Commission.

The Bill will provide greater flexibility for fire officers with respect to superannuation arrangements. Currently fire officers are restricted to superannuation coverage under the Fire Service Superannuation Scheme. The Bill will provide ambit for the Governor in Council to approve access by fire officers to alternative schemes.

Queensland is facing the prospect of a critical fire season over the summer period. In a localised fire emergency, the Commissioner of the Fire Service is able to declare a ban on the lighting of fires only through the formal process of declaring a state of fire emergency. It is more practicable in respect of localised fire emergencies for the commissioner to have the power to impose fire bans in all or part of a local government area without the need for ministerial approval and gazettal. The commissioner or his delegate now will, by notice in a newspaper circulating in the area or, in urgent circumstances, by radio broadcast notice, be empowered to impose a fire ban for that area for a specified period, and specify the types of fires which may be lit during the period of the ban.

Since its introduction during 1984, the Urban Fire Levy has been calculated having regard to the category of property concerned and the class of urban district within which the property is situated. Such classes of urban district have been based upon the number of permanent fire officers employed at a fire station and have ranged from Class A with over 20 permanent fire officers down to Class D without permanent fire officers, relying upon auxiliary support. The effect of the amendment to section 108 of the Fire Service Act is to affirm that differing fire levies are to be imposed on prescribed properties on the basis of these criteria. Similarly, the effect of the validation provisions is to provide the technical underpinning for the fire levies imposed under the fire service legislation. I commend the Bill to the House.

Debate, on motion of Mr Littleproud, adjourned.

CREDIT (RURAL FINANCE) BILL

Hon. K. H. DAVIES (Mundingburra—Minister for Emergency Services and Minister for Consumer Affairs) (6.01 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to give protection to farmers

against the enforcement of mortgages over equipment used for farming."

Motion agreed to.

First Reading

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

Second Reading

Hon. K. H. DAVIES (Mundingburra—Minister for Emergency Services and Minister for Consumer Affairs) (6.02 p.m.): I move—

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

The purpose of this Bill, quite simply, is to assist farmers. At the present time, many rural producers in Queensland are experiencing increasing difficulty in maintaining payments under their mortgages. Despite their best efforts, a number of them eventually default and, sooner or later, the mortgagee advises of its intention to repossess their possessions—including their farm equipment—so that they can be sold off in reduction of their debt. Of course, the Government cannot do anything about a number of the matters which lead farmers to default under their mortgages. However, legislative intervention in the form of the current credit legislation in Queensland—the Credit Act 1987—has afforded the farmers some relief once they have defaulted.

The Credit Act covers loans to farmers for the purchase of farm machinery and commercial vehicles. Before taking any action against a mortgagor farmer who has got into difficulties, the Credit Act provides that a mortgagee must give a notice to the farmer advising of the default and of the intention of the mortgagee, at the end of a certain stated period of time, to take action under the mortgage unless the default is remedied. The Credit Act then goes on to provide that, once the mortgagor receives this notice from the mortgagee, the mortgagor can apply to the court for an order suspending the power of the mortgagee to repossess the farmer's machinery for a period of 12 months. If the mortgagee has already taken possession of the machinery, the court can order that the machinery be returned to the farmer and the farmer can keep it for up to 12 months. Before making such an order, the Credit Act states that the court must be satisfied that the farmer has a reasonable prospect of remedying the default under the mortgage within 12 months. I understand that on a number of occasions mortgagees have tried to repossess

equipment on the very eve of harvest and that the provision in the current Queensland Credit Act has been of assistance, because the farmers have been able to keep the machinery, harvest their crop and trade out of difficulty.

The current Queensland credit legislation, however, is due to be repealed next year, when new uniform consumer credit legislation—the Consumer Credit Code—will be proclaimed in each of the States and Territories, except for Western Australia, which is enacting consistent legislation. The Consumer Credit Code is limited to purely consumer transactions, such as credit cards, housing loans and personal loans, and no provision is made for rural producers. When the rural community learnt of the proposed loss under the Consumer Credit Code of the provision enabling farmers to go to court and obtain a moratorium against repossession of farm machinery, it was most concerned and it informed the Government that the repeal of this part of the Credit Act would cause farmers much hardship. This Government listened to and understood the plight of the farmers. It decided to act in a practical way by enacting this Bill as a separate piece of legislation designed, as far as possible, to continue the protection given to farmers by the provisions of the current Credit Act. If passed, the Government intends the Credit (Rural Finance) Act to be proclaimed at the same time as the Consumer Credit Code.

The main provisions of the Bill, stated briefly, are as follows—

to require a mortgagee who holds a mortgage over farm equipment before exercising any right to take possession of or sell the equipment to give the mortgagor farmer a notice advising of the farmer's default and the action, if any, required to remedy the default and further advising of the intention of the mortgagee to repossess or sell the equipment at the expiry of 30 days if the default is not remedied;

to allow the mortgagor at any time prior to the mortgagee parting with possession of the equipment to apply to a court for a relieving order. The mortgagor can only make an application for a relieving order if the mortgagor is a farmer who is using, or intending to use, the equipment for farming or would be using, or intending to use, the equipment for farming had it not been repossessed by the mortgagee;

to allow the court, when deciding the application for a relieving order, to

consider, amongst other things, whether the mortgagor has a reasonable prospect of being able to remedy his or her default within 12 months; and

to permit the court, on granting a relieving order, to require the mortgagee, if the mortgagee has possession of the equipment, to return it to the mortgagor and to order the mortgagee not to take possession of or sell the equipment for 12 months.

A few changes have been made to the scheme in the existing Credit Act. The Bill will apply to mortgagor farmers regardless of whether they are natural persons or bodies corporate, whereas the current Credit Act only applies to farmers who are natural persons. This Government considered that farmers who choose to incorporate should not be disadvantaged by exclusion from the operation of the Bill. Secondly, the Bill allows mortgagors to be pro-active and apply to the court for a relieving order without necessarily awaiting receipt of a default notice from the mortgagee, although to make the application to the court the farmer must be in default under the mortgage or the farmer must believe the mortgagee may exercise a right to take possession of or sell the farm equipment.

The Bill contains substantial penalties—up to 500 penalty units—which may be imposed by the court on mortgagees who breach certain of its provisions, for example, who repossess or sell farm equipment after the

mortgagor has given notice to the mortgagee of an application for a relieving order. These penalties were inserted at the request of a number of persons who regularly deal with the rural community, as it was considered that some farm equipment is extremely valuable and a farmer could be severely disadvantaged should a mortgagee breach the requirements of the legislation.

I make no excuses for the fact that this Bill seeks to assist farmers at the expense of banks and other financial institutions. Queensland is, to my knowledge, the only State which is going to enact legislation of this nature. Queensland has chosen to continue the protection given to farmers under its current Credit Act because it has been proven to be an effective and very practical method of giving farmers relief, and it is what the rural producers themselves have said they want.

I commend the Bill to the House.

Debate, on motion of Mr Davidson, adjourned.

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until 10 a.m. on Tuesday, 14 November 1995."

Motion agreed to.

The House adjourned at 6.07 p.m.

QUESTIONS ON NOTICE

29. Tablelands Electorate Road Funding

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

What is the budget amount in both actual and real terms (adjusted for inflation) for each of the sections of main road mentioned below contained within the Electorate of Tablelands for the past five years, (1990/91 to 1994/95) inclusive, for both capital and maintenance and projected figures for 1995/96 to 1997/98 inclusive—

- (1) Kennedy Highway—(a) Cairns to Kuranda, (b) Kuranda to Mareeba, (c) Mareeba to Atherton, (d) Atherton to Ravenshoe, (e) Ravenshoe to Mt Garnett and (f) Mt Garnett to the Mt Surprise turnoff;
- (2) The Mareeba By-pass;
- (3) The Atherton By-pass;
- (4) The Palmerston Highway—Millaa Millaa to the Electorate boundary;

- (5) The Malanda to Millaa Millaa Road;
- (6) The Bourke Development Road (a) Mareeba to Chillagoe and (b) Chillagoe to the Mareeba Shire boundary;
- (7) The Peninsula Development Road—Mareeba to Electorate boundary;
- (8) Herberton to Irvinebank Road;
- (9) Irvinebank to Petford;
- (10) The Upper Barron Road;
- (11) McHugh Road and
- (12) The Topaz Range Road?

Answer (Mr Elder):

(1-12) (Refer to Table 1). Based on previous allocations of funding and proposed allocations identified in the October 1995 version of the RIP, budgeted amounts for various sections of State-controlled Road in the Tablelands Electorate is described in the attached Table.

ELECTORATE OF TABLELANDS
CAPITAL AND MAINTENANCE FUNDING FOR ROADS

QUESTION	SECTION	MAINTENANCE						CAPITAL WORKS									
		90/91	91/92	92/93	93/94	94/95	95/96	TOTAL	90/91	91/92	92/93	93/94	94/95	95/96	97/98	TOTAL	
1	KENNEDY HIGHWAY	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
1A	CAIRNS—KURANDA	Not in Tablelands Electorate						Not in Tablelands Electorate									
1B	KURANDA—MAREEBA	1,102	338	438	516	450	457	3,301	1,325	2,439	1,528	2,470	3,421	-	-	-11,183	
1C,1D	MAREEBA—RAVENSHOE	954	980	630	601	520	780	4,465	380	49	-	409	2,104	80	660	190	3,872
1E	RAVENSHOE—MT GARNETT	266	172	305	184	268	228	1,423	-	-	618	937	941	1,001	1,750	1,000	6,346
1F	MT GARNETT—MT SURPRISE	210	150	210	153	315	226	1,264	-	-	-	-	-	-	-	-	-
2	MAREEBA BYPASS	HARDSHIP RESUMPTION ARE ONLY PROPOSED EXPENDITURE															
3	ATHERTON BYPASS	HARDSHIP RESUMPTION ARE ONLY PROPOSED EXPENDITURE															
4	PALMERSTON—MILLA MILLA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
5	MALANDA—MILLA MILLA	232	264	102	226	203	200	1,227	1,153	1,627	462	219	162	7,003	2,200	-	7,523
6	MAREEBA—CHILLAGOE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	MAREEBA—DIMBULAH	339	138	231	283	156	200	1,347	-	-	-	-	-	-	-	-	-
	DIMBULAH SHIRE BOUNDARY	994	523	632	568	676	596	3,989	944	798	543	3,723	1,102	50	610	1,840	8,259
7	PENINSULA DEV ROAD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	MAREEBA ELECTORAL BOUNDARY	511	349	399	297	395	371	2,322	1,715	10	608	623	-	-	-	-	2,956
8,9	HERBERTON—PETTFORD ROAD	210	102	104	197	169	155	937	16	164	-	-	-	-	-	-	180
10	UPPER BARRON ROAD	41	46	48	67	45	41	288	-	-	-	-	-	-	-	-	-
11	McHUGH ROAD	62	58	117	109	116	191	653	42	234	497	0	0	10	202,550	3,353	
12	TOPAZ ROAD	54	85	35	108	58	66	406	-	-	-	145	30	-	-	-	175
	TOTALS	5,143	3,323	3,443	5,043	4,273	5,900	22,331	5,594	5,321	4,256	5,175	9,760	1,940	6,240	5,580	43,866

149.Overseas Visits by Ministers

Mr BORBIDGE asked the Premier and Minister for Economic and Trade Development—

- (1) Which Ministers have travelled overseas since the 15 July General Election?

- (2) What was the purpose of each trip, which countries were visited and what was the cost of each individual trip and the total cost incurred?
- (3) Who accompanied Ministers at taxpayers' expense and what was the length of each ministerial visit?

Answer (Mr Goss):

Since the recent General Election six Ministers have travelled overseas namely: the Honourable Tom Burns, Deputy Premier and Minister for Tourism, Sport and Youth; the Honourable Keith DeLacy, Treasurer; the Honourable Jim Elder, Minister for Transport and Minister Assisting the Premier on Economic and Trade Development; the Honourable Paul Braddy, Minister for Police and Minister for Corrective Services; the Honourable David Hamill, Minister for Education; and myself.

On 16th September, 1995 I travelled to Papua New Guinea for that country's Independence Day celebrations. I was accompanied by Mr Loftus Harris, Director-General, Department of the Premier, Economic and Trade Development and Senior Constable John Hodge of the Queensland Police Service. I returned to Brisbane late that evening.

From 9th to 11th October, 1995 I travelled to New Zealand on an investment mission to have discussions with some of New Zealand's largest companies which currently have operations based in Brisbane and to attract investment from a range of other smaller companies. I was accompanied by Mrs Goss and Mr Loftus Harris. Other officers from the Department of the Premier, Economic and Trade Development were also in New Zealand at the time of my visit as part of routine marketing activities, however they were not accompanying me.

The costs in relation to these two trips are currently unavailable as all expenditure is normally billed to the Government's American Express Business Travel Account which takes several months to process.

Full details of all Ministers missions will be provided by each Minister to Parliament in due course. Details of costs will be provided by the Treasurer in a separate report to Parliament and at present the costs are not currently available.

158. Broadwater Electorate, Constituent

Mr GRICE asked the Minister for Justice and Attorney-General, Minister for Industrial Relations and Minister for the Arts—

With reference to the case of a constituent claiming to be owed \$16,000 by a former employer and the failure of his departmental officers to investigate the matter or even to take details and since my constituent's first approach to the Minister's officers was on 5 June 1995—

- (1) When will my constituent's case be dealt with?
- (2) How does he justify the constant delays?
- (3) What does he consider to be an appropriate period for handling such complaints?
- (4) If there is a shortage of industrial inspectors and support staff, what action is being taken to redress this situation?

Answer (Mr Foley):

In regards to the Honourable Member's question my ministerial colleague the Honourable Wendy Edmond, MLA has administrative responsibility for the Awards Management Branch of the Department of Vocational Education, Training and Industrial

Relations. I suggest the Honourable Member address the question to my colleague.

165. Queensland Building Tribunal

Mr CONNOR asked the Minister for Housing, Local Government and Planning and Minister for Rural Communities, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities—

With reference to the Queensland Building Tribunal (QBT), which in the interest of fairness is and should be seen to be impartial in its determinations—

- (1) What proportion of QBT determinations were found in favour of (a) the home owner and (b) the home builder in the years 1992-93, 1993-94 and 1994-95?
- (2) Was there any reason for the change?

Answer (Mr Mackenroth):

In answering this question, I am advised by the Chairman of the Queensland Building Tribunal that it is assumed by determination, what is meant is determined by the Tribunal at a hearing or by order of the Tribunal. In relation to domestic building disputes this excludes approximately sixty (60) percent of applications which are finalised without the need for a hearing. These applications are settled by the parties at mediation conducted by the Tribunal, by the parties on their own or are withdrawn. The applications which do not settle at the mediation phase usually are more emotional, involve more physical defects and/or are more contractually complex.

Because the Tribunal has jurisdiction to deal with disputes between building contractors and owners and building contractors and sub-contractors, plus suppliers or other persons and a combination of these parties, building contractors are likely to be parties to more applications than the other categories of litigant. This also results from the fact that owners can lodge complaints about defective or incomplete work with the Queensland Building Services Authority without any application fee.

While the Tribunal's application form does collect data on whether the applicant is a home owner or a home builder this information is not recorded on the Tribunal's determinations. The determinations simply record what the applicant or respondent are ordered to do by the Tribunal.

Most domestic building disputes involve a number of issues which the Tribunal must determine to resolve the dispute. These include allegations of defective and incomplete work, defective materials, money claims including contract payments, claims for variations and legal issues such as termination of the contract and rights under the contract etc.

In resolving individual domestic building dispute applications the Tribunal will frequently determine some issues in favour of the applicant and others in favour of the respondent. The resulting order might then require the respondent to pay the applicant a monetary sum or, because of the respondent's counter-claim being successful, the applicant may be ordered to pay the respondent. The order may also

require the building contractor to rectify defective or incomplete work or the application may be dismissed. The order may also reflect a combination of the above.

Because of the number and complexity of the issues decided and reflected in the various orders made by the Tribunal, and because the relevant information is not required for the Tribunal's purposes, statistics which would enable the Tribunal to answer the Member's question are not maintained. The information required would not necessarily be reflected in the orders—which simplify and consolidate the decision. Therefore, to obtain the information would require an examination of all decisions and the extraction of the reasons for the decision in most cases.

167. Radioactive Waste Facility, Esk

Mr COOPER asked the Minister for Health—

With reference to the radioactive waste facility at Esk—

Will he provide a detailed list of the types of waste now stored in that facility?

Answer (Mr Beattie):

The radioactive material currently stored at the Esk facility, other than a small number of smoke detectors, consists only of all the material previously stored at the Department's old Petrie Bight store.

The majority of this radioactive material is low level waste suitable for ultimate disposal in a national shallow ground burial facility. Some Americium 241 and Radium 226 sources can be categorised as intermediate level waste and not suitable for shallow ground burial. Such sources will therefore require indefinite storage pending availability of a suitable national disposal facility. A detailed inventory of all radioactive substances currently stored at the Esk facility is tabled.

168. Payouts to Spouses of Former Public Servants

Mr SPRINGBORG asked the Treasurer—

With reference to recent approaches to the Government by spouses of former Queensland Public Servants in the Merry Widows Pension-Superannuation Scheme—

Will he provide an early payout to the spouses of the former public servants covered by the scheme?

Answer (Mr De Lacy):

It is not within my power to make an early payout to former public servants with residual widows' entitlements under the State Service and Police superannuation schemes. The benefit conditions are set in the relevant Acts governing the Schemes and prescribe that benefits are payable to eligible widows of certain former members. The benefits were actually set in 1984 by the previous Government and do not provide for the payment of a surrender value as sought by some members. No payout could be made without the legislation being amended by the Legislative Assembly.

170. Primary Industries Department Debt

Mrs SHELDON asked the Treasurer—

With reference to page 88 of the 1995 Queensland Treasury Corporation (QTC) Annual Report, under the departmental section of the QTC on-lendings appendix, it is recorded that, as at 30 June 1994, the Department of Primary Industries (DPI) had no outstanding debt whatsoever, however as at 30 June 1995, the total debt outstanding for the DPI had risen to \$146.8m—

What was the reason for this increase in debt and what will the borrowings be used for?

Answer (Mr De Lacy):

The Department of Primary Industries' (DPI) debt with the Queensland Treasury Corporation (QTC) has been raised only for the purpose of financing the Department's commercial activities, in this case Forestry.

Over time the DPI has raised debt for these activities from a number of sources including directly from the State and more recently from the QTC.

Over the past financial year, the source of DPI's debt has changed as a result of a whole of Government restructuring of financial assets and liabilities. In this regard, the debt owed by DPI to QTC results from the refinancing by QTC of Consolidated Fund debt.

It should be noted that over the past financial year DPI has reduced its total debt by almost \$250M, due to further write-off of Consolidated Fund debt as part of the commercialisation process for Forestry.

183. Agricultural Land

Miss SIMPSON asked the Minister for Housing, Local Government and Planning and Minister for Rural Communities, Minister for Rural Communities and Minister for Provision of Infrastructure for Aboriginal and Torres Strait Islander Communities—

With reference to the Government's 1992 Planning Policy for the Preservation of Good Agricultural Land and in view of the fact that not all good land is of a size to be economically viable—

Will he take action to ensure that implementation of this policy takes into account the economic viability of the land for agricultural use?

Answer (Mr Mackenroth):

In State Planning Policy 1/92: 'Development and the Conservation of Agricultural Land', the Government sets out its commitment to protect Queensland's most productive farmlands. The Policy states that good quality agricultural land is a finite national and state resource that should be protected from development that may lead to its alienation or diminished productivity.

Conserving our best quality agricultural land is responsible resource management. It is also sensible economics. The value of retaining a diverse agriculture base is particularly important in current circumstances where drought is affecting our pastoral production and cropping. For example, sugar is the state's third largest export earner and the sugar industry is a significant source of employment. Yet sugar mills are in danger of being closed down if

caneland continues to be lost to rural residential development and urban expansion.

Nevertheless, the State Planning Policy is not being used by the Government to protect all best quality farmland irrespective of economic viability. There is however, an important difference between 'farm' viability and 'land resource' viability. A farm holding or allotment might not be viable in itself, but it might have the potential to be amalgamated or farmed in conjunction with other nearby or adjoining farmland. In other words, the unviable farm is part of a larger 'resource' area which is viable overall and has a long-term future. Such land should generally be protected and farm re-structuring encouraged in response to changing market and industry conditions.

Planning policies and controls that clearly safeguard such areas from development can create the climate for re-structuring by removing the expectation of development value. As the Policy makes clear, allowing development to occur on our most productive lands merely because a farm holding or allotment is too small could only encourage greater development pressures and fragmentation of a precious resource. Furthermore, development of a small area amongst productive viable farms can give rise to serious land use conflict between the residential and farming areas.

On the other hand, the Policy acknowledges that if good quality farmland is significantly fragmented by urban uses or isolated from other productive areas, farming may no longer be viable. This may occur where land is too heavily constrained by conflicts with urban uses or too small to form a feasible area for medium or long term production. In these circumstances, the application of the Policy is carefully assessed by local and state government, to reach agreement on the future use of the land in terms of its potential for agricultural production and the justification for development.

187.Q-Clean

Mr LINGARD asked the Minister for Administrative Services—

With reference to the Q-Clean business unit of the Administrative Services Department and to the ongoing offering of voluntary early retirement packages (VERs) to the staff of this particular unit—

- (1) What is the total number of voluntary early retirement packages to be offered to cleaning staff within Q-Clean?
- (2) What is the projected cost for the planned number of VERs to be offered?
- (3) What is the time limit for cleaning staff within Q-Clean to accept VERs?
- (4) How many cleaning staff have accepted VERs to date?
- (5) What has been the total cost to date for the acceptance of staff VERs from Q-Clean?

Answer (Mr Milliner):

- (1) The maximum number that may be offered during the term of the current Enterprise Bargaining

Agreement is 241 which equates to 141 Full Time Equivalent Employees.

(2) The average cost of each VER is estimated at \$15,000 plus the particular employees Long Service Leave entitlements.

(3) All VERs will be offered in accordance with the Public Sector Management Standard for Staffing Options to Manage Change in the Queensland Public Sector i.e Two weeks from the day of offer if they wish to receive the full incentive payment.

(4) The total number of VERs accepted by cleaning staff to date is two.

(5) The total cost of staff VERs to date is \$46,571.

216.Senior Executive Service Officers

Mr BORBRIDGE asked the Premier and Minister for Economic and Trade Development—

- (1) How many public servants are employed in the Senior Executive Service (SES)?
- (2) How many SES officers are there in each individual department?
- (3) How many SES officers are women?
- (4) What is the salary applicable to SES officers at each of the four scales?

Answer (Mr Goss):

(1) As at 20 October 1995 there is a total of 525 public servants in the Senior Executive Service.

(2) The breakdown of SES officers by department is as follows:

Administrative Services	29
Qld Audit Office	8
BIRD	12
DEVETIR	39
Education	47
Environ. & Heritage	16
Family & Community Services	20
Health	39
Housing, Local Govt. & Planning	18
Justice & Att.-Gen	46
Lands	20
Minerals & Energy	15
Premiers	29
—Office of Cabinet	11
—PSMC	11
Police	12
Qld Emergency Services	12
Primary Industries	53
TS & Y	6
Transport	53
Treasury	29

(3) There are 84 women appointed to SES positions. This is 16% of SES appointments.

(4) The terms and conditions of employment of SES officers are prescribed in the Public Service Management and Employment Act and Regulations.

Current superannuable salary for each level is:

CEO.3	\$136,988
CEO.2	\$116,708
CEO.1	\$109,610
4.2	\$108,973
4.1	\$ 99,619
3.5	\$ 99,308
3.4	\$ 95,982
3.3	\$ 92,344
3.2	\$ 88,706
3.1	\$ 85,068
2.5	\$ 84,020
2.4	\$ 80,383
2.3	\$ 76,745
2.2	\$ 73,627
2.1	\$ 70,509
1.4	\$ 68,942
1.3	\$ 65,824
1.2	\$ 62,706
1.1	\$ 60,107

219. Queensland Infrastructure Financing Fund

Mrs SHELTON asked the Treasurer—

- (1) What funds are being held by the Queensland Infrastructure Financing Fund at present?
- (2) Will he detail the source of these funds?
- (3) In what account or accounts are they being held?
- (4) For which projects are these funds to be used?
- (5) What will be the commencement dates of these projects?

Answer (Mr De Lacy):

(1) As at 30 September 1995, the Queensland Infrastructure Financing Fund had a balance of \$306,680,775.30.

(2) When established at the beginning of 1995, the Infrastructure Financing Fund had initial equity funds available of approximately \$295m which was obtained by the refinancing of QFleet (\$107m), as well as retained earnings and sale proceeds from the Government's share of Nickel Resources North Queensland (\$188m). Since establishment, the Fund has earned approximately \$11.6m in interest through being invested in the QTC Cash Funds and the QTC Medium Term Investment Fund.

(3) In January, 1995, a separate fund, known as the Infrastructure Financing Fund was created within the Queensland public accounts pursuant to the Financial Administration and Audit Act. This Fund, which is managed by Queensland Treasury, holds the equity which is set aside for investment into approved QIFF projects.

As it is appropriate that no available funds remain uninvested, the Infrastructure Financing Fund has its holdings placed in two Queensland Treasury Corporation (QTC) investment facilities. As of the end of September, 1995 the balance of the Fund was \$306,680,775, of which \$12,534,406 is held in QTC's Medium Term Investment Fund and the remaining \$294,146,369 is placed in the shorter term Cash Fund.

(4) Funding will be used for strategically important projects which are not presently fully commercial stand-alone projects but which are expected to become so in the future. Investment returns will be used over time to invest in further infrastructure projects.

This contrasts with the Opposition strategy exposed during the election campaign of balancing their proposed budget by raiding the QIFF fund.

To make responsible decisions, QIFF projects, like all major development projects, require extensive engineering, economic and financial feasibility analysis, together with environmental impact assessment. This process is well under way but at different stages of completion for a number of projects including possible dams on the Dawson and Comet Rivers and water pipelines from Eungella Dam in Central Queensland and Lake Julius in North West Queensland. A number of transport projects that may be financed through QIFF are also being progressed.

(5) The commencement date will depend upon the finalisation of the necessary commercial arrangements, in most instances involving third parties. The most advanced projects, i.e. the water pipelines, are contingent upon the commitment decisions of relevant mines.

239. Indoor Sporting Facility, Toowoomba

Mr HORAN asked the Deputy Premier and Minister for Tourism, Sport and Youth—

With reference to a promise made by the Honourable T M Mackenroth at a public meeting at Newtown Hall, Toowoomba, during the recent election campaign, that the Government would provide \$1m and an annual 20 per cent subsidy to assist in the development of an indoor basketball and netball facility in Toowoomba—

If an application is received from the organisation undertaking this project, can this promise be honoured in either 1995-96 or 1996-97?

Answer (Mr Burns):

I am advised that the Member for Toowoomba South has been misinformed about comments made by Mr Mackenroth. Mr Mackenroth advises that he spoke in general terms indicating that the State Government would consider an application for funding if an appropriate application was received.

I can assure the Honourable Member that any application received will be assessed like any other application against the Department's funding guidelines.

256. Tree-clearing Guidelines; Eastlink

Mr SPRINGBORG asked the Minister for Lands—

With reference to the Government's development of new tree clearing guidelines—

Will the Queensland Electricity Transmission Authority be bound to follow these guidelines in clearing a corridor for the Eastlink Transmission Line?

Answer (Mr McElligott):

No. The Queensland Electricity Transmission Authority is not a lessee under the Land Act. The Queensland Electricity Transmission Authority has powers under the Electricity Act 1994 to clear corridors for transmission lines.

260. Supply of Real Estate Information by Gold Coast City Council

Mr QUINN asked the Minister for Lands—

For some years, the Gold Coast City Council has provided a computerised information service on all real estate property in the old Gold Coast City Council and Albert Shire Council areas to ratepayers, real estate valuers, real estate agents and other associated industries. As this service will be terminated on the expiry of the current agreement—

- (1) Is it proposed to (a) introduce legislation so that the Gold Coast City Council will only be advised of ownership changes and (b) introduce legislation that will require property owners to advise only the Lands Department of changes of address; if so, will the Lands Department provide regular updates to the Council?
- (2) Will the Gold Coast City Council be permitted to supply current and future users with the same information that is currently supplied and by the existing methods, ie over the counter, modem or diskette methods?
- (3) Is it proposed to introduce legislation to prohibit the provision of this information by modem and/or diskette and only allow over the counter searches?

Answer (Mr McElligott):

The existing Notification of Change of Ownership, Form 100, will be replaced progressively by 31 December 1995 with a Property Transfer Information Form 24. This form will be received by the Registrar of Titles with accompanying transfer documentation, and the information entered by keyboard into a database by the Department of Lands.

1. There will be no new legislation enacted; the Gold Coast City Council will receive all relevant information from this database electronically, obviating the need for manual processing. This includes regular updating at the discretion of the Council.
2. There will be no commercial restrictions placed on the use of the data by the Department of Lands.
3. There is no legislation proposed to restrict the provision of this information to clients in any form.

275. Building Units and Group Titles Act

Mrs GAMIN asked the Minister for Lands—

Will he clarify the situation regarding letting and management contracts in light of his statement of 19 October 1995 in respect of the Building Units and Group Titles Act now that BUGTA 1994 has become null and void?

Answer (Mr McElligott):

1. There are two key issues relevant to letting and management agreements. Both of which are currently addressed in BUGTA 94.

2. The first issue is the 10 year maximum term for letting and management contracts. BUGTA 94 [Section 222 (2)] provided that all service, management and letting agreements entered into after 24 October 1994 would have a maximum term of 10 years.

BUGTA 94 ensured that this provision applied unless it could be clearly demonstrated that the agreements were contemplated prior to that date. It would not apply to those agreements which were in train prior to 24 October 1994.

3. The second issue deals with the High Court's 4 May 1994 decision (Humphries v Surfers Palms North) that a body corporate was not authorised to enter into a contract for letting services.

A provision was made in BUGTA 94 [Section 222(10)] for bodies corporate to enter into letting arrangements. This provision was to be retrospective to protect letting agreements entered into by bodies corporate from 4 May 1994.

The result of this section is that letting agreements entered into prior to 4 May 1994 would not be validated by the legislation.

4. I am currently considering the scope of these provisions and their possible impact on the industry and will continue to consult with industry groups prior to making a decision.

5. I expect to be in a position to make a comprehensive statement towards the end of November, to allay concerns within certain sectors of the industry and the broader community about the future of these aspects of the Building Units and Group Titles legislation.

284. Squatters

Mrs WILSON asked the Minister for Lands—

- (1) Is he aware of the public concern relating to the legality of the Goldsborough Squatters in the Electorate of Mulgrave?
- (2) Do Aborigines involved in native title claims along the Mulgrave River have the right to occupy the land whilst Native Title is being established?
- (3) Where does legal responsibility lie in terms of the current squatters and guests who may reside with them?
- (4) What is the legal status of non-Aboriginal people squatting in the same area?
- (5) Will he identify the legal role of the Local Authority with respect to Local Government Regulations regarding sewerage, water, roads and relevant charges?
- (6) What action does the Government take in relation to squatters on Crown land?

Answer (Mr McElligott):

1. Yes, I am well aware of the public concern relating to the legality of the Goldsborough Squatters. Officers from my Department have inspected the area and have met with the local authority and other agencies. I have also been provided with Crown Law advice in relation to this issue. Discussions have occurred between officers of my department, the local authority and the claimants in order to address public concerns. One meeting has been held which was very productive, another is scheduled for November 23 and I am confident of a satisfactory outcome on this matter.

2. There is currently no evidence that native title has been extinguished by the grant of a previous tenure over the area of Unallocated State Land in the Goldsborough Valley, which is currently under claim in the National Native Title Tribunal. The Commonwealth Native Title Act 1993 provides that native title holders are entitled to the same procedural rights as freeholders. In these circumstances, the Queensland Government will proceed cautiously and in accordance with the Commonwealth Native Title Act 1993 prior to taking action that may unlawfully interfere with pre-existing native title rights and interests.

3. Crown Law has advised that native title holders, and their invitees, are generally required to abide by State and local government laws and regulations in

the same way as other Queenslanders. A native title holder failing to comply with local government laws, for example, such as building or health regulations, is liable to the same penalties as any one else.

On the other hand, should the native title claimants be unable to establish native title, the Department of Lands will take responsibility to remove them, and their invitees, as squatters under the provisions of the Land Act 1994.

4. Crown Law have advised that, assuming a native title right to occupation exists over the area, it is lawful for the native title holder to invite non-Aboriginal visitors onto the land.

5. I am advised that municipal Councils have authority to apply local laws, such as provisions of the Local Government Act 1993 relating to matters of health and hygiene, throughout their local authority area, including sections of unallocated State Land—and it is within the competence of the Local Authority in this case to determine whatever course of action it may take.

6. Generally, the Department of Lands will exercise statutory powers under the Land Act 1994 to remove squatters from Crown Land. However, in the light of provisions of the Commonwealth Native Title Act 1993, as outlined above, the

Department of Lands will proceed cautiously in regard to any removal of persons from that land.