# WEDNESDAY, 29 OCTOBER 1997

Mr SPEAKER (Hon. N. J. Turner, Nicklin) read prayers and took the chair at 9.30 a.m.

## PRIVILEGE

### Comments by Minister for Primary Industries, Fisheries and Forestry

**Mr CAMPBELL** (Bundaberg) (9.31 a.m.): I rise on a point of privilege. On 8 October in this House the Minister for Primary Industries incorporated a speech in Hansard. In three places that incorporated speech contains personal reflections that I find offensive. Under Standing Order 12O, those personal reflections are highly disorderly. I now ask the Minister to withdraw those remarks.

**Mr SPEAKER:** Order! The honourable member has found some remarks that were in a tabled statement offensive to him and I now ask the Honourable Minister for Primary Industries to withdraw.

**Mr PERRETT:** Since the member for Bundaberg seems to be offended by the said remarks, I will withdraw.

**Mr Palaszczuk** interjected.

**Mr SPEAKER:** Order! I thank the honourable member for Inala for his assistance. It will not be necessary again today.

## PETITIONS

The Clerk announced the receipt of the following petitions—

### Inner City Rail Loop Service

From **Mr Beattie** (12 petitioners) requesting the House to agree in principle to fund the inner-city rail loop service connecting the central business district of the city to the Valley, Bowen Hills, RNA Showgrounds and RBH and via Normanby Terrace to the CBD by the year 2000 and instruct Queensland Rail accordingly.

### Conservation Park, Lawnton

From **Mrs Lavarch** (428 petitioners) requesting the House to ensure the public lands located between Todds and Francis Roads, Lawnton remain in public ownership by being held by the Department of Environment and designated a conservation park.

### Keperra Railway Station

From **Mr Milliner** (181 petitioners) requesting the House to call upon the Minister for Transport and Queensland Rail, as a matter of high priority, to install suitable pedestrian access on the northern side of Keperra Railway Station.

### Abortion Law

From **Mr Schwarten** (78 petitioners) requesting the House to enforce the existing law on abortion and to take suitable measures to stop the abuse of the law.

## MINISTERIAL STATEMENT

### Old Brisbane Airport Super Stadium Site

**Hon. R. E. BORBIDGE** (Surfers Paradise—Premier) (9.34 a.m.), by leave: Yesterday, the Lord Mayor made some unfortunate comments about the Government's decision to identify the old Brisbane Airport as the potential site for a private sector super stadium.

A couple of points need to be spelt out. The first and perhaps the most significant flaw in the Lord Mayor's argument is that he fails, as he has continually failed, to identify a potential site. He says he wants a super stadium, but he does not want the stadium to be at Roma Street. He says he wants a super stadium, but he does not want to pay for it. He says he wants a super stadium but he has no understanding of what makes a private sector proposal work. The simple fact is that the Lord Mayor wants a super stadium and he wants it on his terms. He wants it because it will allow him to break his commitments with the Broncos, close down ANZ Stadium and turn it into a rateable housing development.

Let us have a look at all the available site options and let Councillor Soorley and others identify their preferred site. Roma Street has been ruled out by this Government for reasons already provided. Last year, I gave a commitment that Roma Street will become a major inner-city park. I support the decision made by the previous Government and the previous Premier in that regard, even if Councillor Soorley apparently does not. I thank the Leader of the Opposition on that item.

**Mr MACKENROTH:** I rise on a point of privilege. The Premier is misleading the House when he says that because the Cabinet Budget Review Committee, in fact, directed the former Minister for Public Works and Housing to develop a park with residential development on Roma Street.

**Mr BORBIDGE:** I do not seem to remember the honourable member being a member of the Cabinet Budget Review Committee—not mine, anyway.

**Mr MACKENROTH:** I rise on a point of privilege. Last week under freedom of information provisions I obtained the documents which prove what I said to be correct.

**Mr BORBIDGE:** In respect of this matter, the position of the Government is the position that I have espoused constantly and consistently. If people in departments want to put forward proposals, they can. However, such a proposal has not been accepted.

In my view, Brisbane needs more open space. We do not have to further clutter our inner city with more and more concrete and more and more development. We need room to move; we need room to breathe. Monuments need not necessarily be cast in concrete. If I and this Government are wrong with this assumption then a future Government at some future time will be free to turn that parkland into a super stadium, or the world's tallest building for that matter.

Outside of Roma Street the options narrow. There is the RNA showgrounds. That site has a number of problems. Firstly, it is not a CBD site and for that reason would not draw people out of the CBD and into other parts of the city. Neither I nor the Government would tolerate a situation where the annual exhibition had to be either terminated or its dates changed to suit the potential owners of a super stadium. The timings of the annual exhibition—the Royal Brisbane Show—would mean that the stadium would have to be set aside for Ekka use for two weeks that would coincide with Rugby League semifinals. It would also cause massive traffic problems in and around the Valley and on a local road network which is already congested. In my view the option of a super stadium at the RNA fell over when the Government opted for private sector involvement.

Bowen Hills rail yards was also an option, but there are significant costs above and beyond the construction of a super stadium which mark that site. It is also not a CBD property. It also has significant traffic problems. Also considered were South Bank, Musgrave Park and turning ANZ and Suncorp into super stadiums. Let us have the Lord Mayor of Brisbane identify his site. Let Councillor Soorley tell the people of Brisbane today his site and whom he expects to pay for it.

The old Brisbane Airport site enjoys a number of advantages that set it apart from the others. The first is that it sits on a major arterial road drawing traffic from the north, the south, the east and, with the Logan Motorway linking the Gateway Arterial, the west as well. There will be ample on-site car parking space for up to 15,000 cars, which is a benchmark—I repeat, "a benchmark"—requirement for a private sector stadium. It also has the benefit of being able to be built in conjunction with a significant hotel complex that would draw on demand already in place via the domestic and international airports. I remind the mathematician critics that the construction of a hotel would help subsidise the stadium. The Lord Mayor has to ask himself if a major hotel would draw revenue from its operations at the Exhibition grounds or at Bowen Hills.

An airport stadium would also be able to be linked with the city via the light-rail link already approved by the Government. An airport site also gives the private sector a range of options for the design of a stadium, such as the flexibility of bringing one wall of the stadium in so that the facility can be used for tennis, badminton or for major conferences. Indeed, many modern stadiums throughout the world have removable roofs.

The Government has committed itself to the principle of the private sector building and operating any super stadium. We have identified the old Brisbane Airport as the site. If the Lord Mayor has an alternative, then he should put it up. He should tell us, and when he is telling us where he wants it, he should tell us if he is going to make a contribution from the Brisbane City Council or, if not, who is going to build it. If the private sector has an alternative that has yet to be explored, then that too will be considered. If the private sector rushes forward, identifying sites in Toowoomba, Gympie or elsewhere, then I give the Leader of the Opposition a commitment that they too will be given consideration. In the meantime, the Lord Mayor should calm down, look at the economic realities and, like the State Government, get on with the job.

## MINISTERIAL STATEMENT

### Tax Reform

**Hon. J. M. SHELDON** (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (9.41 a.m.), by leave: As every Queenslander would know, since before the coalition came to Government I have campaigned for a radical restructure of Federal/State tax relations. For far too long,

every year State Governments have been forced to go, with begging bowl in hand, to Canberra to receive a slice of the national tax pie. Rarely has this slice adequately represented a fair and equitable representation of Queensland's position as a large, decentralised State with the fastest growing population in the country. For too long Queensland has been playing catch up when it comes to funding from the Commonwealth. A restructure is essential to put the future of Queensland firmly back in the hands of Queenslanders, and not Canberra bureaucrats. The Commonwealth Government has now recognised that Federal/State tax reform is a key plank of any overall national tax reform package.

While there have been some destructive leaks from other States, Queensland has worked quietly away preparing a broad structure in which such a discussion should take place. From the start Queensland has believed that it is not up to the States to necessarily put forward a platform for national tax reform. It is up to the States to ensure that such reform includes adequate taxing provisions for each State, provisions which will ensure that the individual needs of States such as Queensland are met into the next millennium.

While the Opposition and some others have tried to play politics with the process, the Queensland Government has worked constructively to set down the broad parameters for discussions at this week's Leaders Forum and next week's Premiers Conference. This issue is too important to be constantly distracted by scare tactics and political beat-ups. It is too important for our State's future to be sidetracked by political opportunism such as that shown by the Leader of the Opposition.

Very early in the debate, I promised that Queensland's position paper would be released for public scrutiny. Today I honour that promise by tabling the Queensland position paper on tax reform in this House. This paper is not meant to be a detailed dissertation of various tax types and rates. It is a broad position paper that clearly outlines the framework in which we believe the tax debate should take place. The paper stipulates that tax reform should achieve the following goals: for businesses, a simplified, non-distorting tax system is needed which allows Australian business to compete better and generate jobs in an increasingly competitive world economy; for households, a simple, equitable and progressive tax system is needed which provides better incentives to work, save and invest; for Governments, a sustainable tax base is needed which will substantially fund the costs of their service delivery responsibilities and impose minimal distortions on the economy; and for Australia generally, a tax system is needed which is broader, simpler and fairer, and which underpins growth, job creation and higher standards of living.

Queensland's view on the appropriate principles for national tax reform is as follows—

(1) There should be no overall increase in the tax burden, either nationally or in any State.

(2) Reform should produce a more broadly based, simpler and fairer tax system.

(3) Reform should produce a more competitive environment for business and for growth in employment, and stronger incentives to be productive and to save.

(4) Reform should substantially match State command over revenues with State responsibilities to the community.

(5) Reform should deliver to the States tax bases, and assured access to nationally collected revenues, which are robust and which will grow in line with State economies and demands for State provided public services.

Queensland is prepared to work cooperatively with other Governments to secure successful reform on those principles. The planned special Commonwealth/State meeting to progress reform will need to be cooperatively and constructively organised if it is to help achieve that.

I repeat that the Queensland Government firmly believes that any reform of the tax system should be revenue neutral. In other words, there should be no increase in the taxes paid as a result of the reform. As a State, Queensland wants a fairer and more equitable carve-up of the tax cake to accommodate our individual needs as States. The Queensland Government's Tax Reform Unit is currently working on detailed options which I will present to Cabinet in due course. I commend the paper to all members and to the people of Queensland as the first major step in genuine tax reform for Queensland.

## MINISTERIAL STATEMENT

### Internet Chat Lines

**Hon. K. R. LINGARD** (Beaudesert—Minister for Families, Youth and Community

Care) (9.46 a.m.), by leave: As honourable members will appreciate, the Internet, being a worldwide network of computer networks, is one of the most pervasive and influential aspects of our global community. Every man, woman and child can potentially be connected to a vast digital universe that transcends the family, the local community and even the nation. The Internet is not subject to the control of any agency. Consequently, its content cannot be regulated.

Like all marvellous technological inventions, the Internet can be used for good or ill. One of the most horrific uses to which the Internet is being put is the so-called chat lines on which paedophiles and other sex offenders make the acquaintance of young boys and girls. Pedo Watch in America strives to guide parents and children on the dangers of unsupervised surfing on the Internet.

Unfortunately, as honourable members will be aware from yesterday's Courier-Mail, the chat line phenomenon is not restricted to America. The alleged rape of a 13-year-old Brisbane girl is directly related to her befriending a man through a chat line. Although on this occasion it was not an Internet chat line but a telephone service, the message is clear: we all need to be vigilant regarding the dangers in our midst.

I commend the initiative of the Children's Commission in producing a brief set of guidelines for parents and their children on the dangers of the Internet. I understand that the guide is similar to those currently being distributed by a number of bodies in America that are concerned to make American parents more aware of the nature of some of the less desirable aspects of the Internet. I table a copy of the Children's Commission guidelines for the information of members.

## MINISTERIAL STATEMENT

### Witness Protection Program

**Hon. T. R. COOPER** (Crows Nest—Minister for Police and Corrective Services and Minister for Racing) (9.49 a.m.), by leave: I wish to respond to the question without notice asked by the member for Waterford on 28 October 1997. I am amazed and extremely disappointed that the member for Waterford has asked such an irresponsible and dangerous question.

As the member would or should know, the witness protection program in Queensland is the responsibility of the CJC, and any variations to the program would be addressed in collaboration with the CJC and the Queensland Police Service. Witness protection programs are bound by secrecy provisions that are in place for a very good reason. People under the protection of those programs are in grave danger, and that is no exaggeration. Participants in the programs undergo a rigorous risk assessment that looks at all circumstances of relevance on a case-by-case basis. The person mentioned by the member for Waterford is breaking secrecy provisions, and for the member to raise those matters irresponsibly in the House makes him equally at fault.

I will not comment on this matter further, except to say that I am satisfied that this——

**Mr BARTON:** I rise to a point of order. The Minister is misleading the House, because he knows full well that this particular person was taken off the witness protection program by the Connolly/Ryan inquiry and was then abandoned in another jurisdiction, despite all attempts by that person to gain satisfaction.

**Mr SPEAKER:** Order! There is no point of order. The member will resume his seat. He has made his point.

**Mr COOPER:** I will not comment further on this matter except to say that I am satisfied that it is in hand. If a matter such as this was raised with my office, my staff, who are obviously far more competent and responsible than the member opposite, would automatically refer this matter for appropriate action. By asking this question, the member has encouraged the person mentioned to break secrecy provisions and again has shown how irresponsible and hopelessly unsuitable he is as an Opposition Police spokesman. It also shows that he, an Opposition frontbencher, is also prepared to compromise secrecy provisions in witness protection programs, which could endanger people's lives, in order to try to score a petty political point.

## MINISTERIAL STATEMENT

### Provision of Infrastructure Short List, Surat Basin/Dawson Valley

**Hon. D. J. SLACK** (Burnett—Minister for Economic Development and Trade and Minister Assisting the Premier) (9.50 a.m.), by leave: Plans being undertaken by the coalition Government for the private sector to provide infrastructure for the development of the coal-rich Surat Basin/Dawson Valley are nearing completion. We are talking about Australia's largest infrastructure program, with the potential to bring significant economic benefits to the regions and to Queensland as a whole.

Expenditure amounting to $3 billion is envisaged for the provision of a new dam on the Dawson River, new power stations, new rail projects and new coalmines. These projects have the capacity to generate at least 1,000 new direct permanent jobs and thousands of flow-on jobs Statewide. During construction, several thousand additional jobs could be created.

**An Opposition member** interjected.

**Mr SLACK:** That is covered.

Just as the massive development of the Bowen Basin coal reserves of the 1960s and 1970s opened up vast tracts of inland Queensland, this Government's action plan for the Surat Basin/Dawson Valley looks to expand the region's export potential by lifting agricultural production by $40m a year and coal exports by 20 million tonnes a year. Today, I am pleased to provide the House with the names of the short-listed companies and consortia that have submitted proposals to provide the infrastructure for this exciting Queensland Government initiative.

**Opposition members** interjected.

**Mr SLACK:** Members opposite should remember those words: "exciting Queensland Government initiative". The short list contains leading international engineering and banking companies.

With regard to new rail infrastructure, proponents have identified two main rail links. The first will be a new line for the export of coal from Kogan Creek. The proponents of this proposal are Energise Queensland, SUDAW Developments and the Surat Dawson Development Company. The second rail option is an upgrade of the existing link between Theodore and Moura to enable the transport of coal through Gladstone. With regard to this option, the short-listed consortia are SUDAW Developments and the Surat Dawson Development Company. With regard to power generation, three greenfield power proposals have been short-listed from a number of impressive submissions. They include——

**Mr Schwarten** interjected.

**Mr SLACK:** The member does not want to hear about jobs, does he?

Millmerran Project Sponsors propose a power station at Millmerran. MIM and its US partner Entergy propose a station at Wandoan, and the Surat Dawson Development Company proposes a station at a site which is the subject of negotiation. In each case, the proposals do not involve financial assistance or support from the Government. There are also proposals for the expansion of existing power stations in the region.

With regard to the construction of a dam in the Dawson Valley, proponents include Energise Queensland, SUDAW Developments and the Surat Dawson Development Company.

**Opposition members** interjected.

**Mr SLACK:** Members opposite do not want to listen, do they? I am talking about a $3 billion development—money that will be spent in the region for the development of Queensland—yet all members opposite can do is act like a rabble. This Government is making positive announcements, yet all members opposite can do is act like a rabble.

**Mr BEATTIE:** I rise to a point of order. I find those comments offensive and I ask that they be withdrawn. The Minister has simply given the game away about who will get it; that is our point. I ask for those comments to be withdrawn.

**Mr SLACK:** We announced the short list. I suggest the Leader of the Opposition attend the press conference later.

**Mr SPEAKER:** Order! This is a ministerial statement, not a cross-Chamber debate. The House will come to order or I will invoke Standing Order 123A.

**Mr Fouras** interjected.

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

**Mr SLACK:** Any decision to proceed with infrastructure development in the region will be subject to the normal Government approval processes, including impact assessment studies where required, and will take account of community input.

The private sector has demonstrated confidence in the coalition Government's initiative and handling of this imaginative program through the many quality expressions of interest that have been lodged by companies and consortia, at their considerable expense. In selecting this short list, the Government has developed a process geared to protecting the public interest, facilitating private sector innovation and adhering strictly to requirements of probity. With that in view, at the very beginning of this process I instituted an independent unit of Government and private experts to assess industry proposals and to decide on the short list that I am announcing today.

This Government is demonstrating the economic development leadership Queenslanders want for their State into the new millennium. This Government identified the need, saw the opportunity and has joined with industry to deliver to Queenslanders an innovative and cost-effective process for pushing forward what I am confident will become Queensland's new development frontier.

## MINISTERIAL STATEMENT

### Transitional Contractor Licences

**Hon. D. J. H. WATSON** (Moggill—Minister for Public Works and Housing) (9.55 a.m.), by leave: In this morning's Courier-Mail, under the headline "Builders caught in licensing ruling", there is a report on transitional contractor licences. Mr Speaker, allow me to briefly recap the history of contractor licensing.

Back in July 1992, the Board of the Queensland Building Services Authority, the QBSA, adopted a policy of issuing transitional licences. These licenses allowed people who were already working in the building industry and had suitable industry experience to obtain a licence subject to the condition that they met managerial or technical qualifications within a set time.

The policy was supported by regulation 10, which allowed the QBSA to exempt an applicant from compliance with licensing criteria if satisfied that the applicant held appropriate knowledge and experience. However, I am advised that regulation 10 was repealed by the Governor in Council on 18 November 1993. It was repealed on the grounds that it provided the general manager of the QBSA with unfettered discretion when granting licences.

I am further advised that approximately 8,000 transitional licenses were issued after the repeal of regulation 10, apparently because the implications of the repeal on board policy were not known at that time. I am also advised that the QBSA ceased using this policy for issuing licences in August 1995. Today, around 2,600 transitional licenses remain current.

However, three decisions of the Queensland Building Tribunal in 1997 queried the validity of transitional licenses issued by the QBSA since the repeal of regulation 10. The QBSA consequently sought advice from Crown law on the validity or otherwise of those licences. That advice confirms that the licences are invalid. Crown law also advises that the only way to validate the licenses is by retrospective legislation. The QBSA is currently seeking further Crown law advice on the details of any validating legislation. I expect to take a submission to Cabinet on this matter in the near future.

In the meantime, I am advised that the Queensland Building Services Authority is in the process of contacting every single holder of a transitional licence to apprise them of the situation and to assist them to obtain a valid licence. All contractors holding transitional licenses should be contacted this week and they can be assured that the authority will be doing everything possible to assist them.

While I am sure previous Ministers, including the honourable member for Chatsworth, would not have been aware of the potential complications of actions taken while they were the responsible Ministers, the fact remains that the legislation was enacted by the previous Government, the regulations were proposed and repealed by the previous Government and all the transitional licences were issued while the previous Government was in office. Therefore, I would trust that, when Crown law advice is available, the Opposition will support the speedy passage of whatever legislation is required to rectify the situation.

## MINISTERIAL STATEMENT

### Small Winemakers Show

**Hon. B. W. DAVIDSON** (Noosa—Minister for Tourism, Small Business and Industry) (9.58 a.m.), by leave: It is my great pleasure to inform the House of the great success of the Australian Small Winemakers Show, held last week in Stanthorpe and attended by myself and my colleague the member for Warwick, Lawrence Springborg. Now in its 10th year, the show is the only national wine show held in Queensland. This year's record-breaking show saw 128 wineries from around the nation submit 595 entries for judging.

Queensland's wine industry enjoyed unprecedented success at the event, winning its first gold medal in the show's 10-year history. The gold medal was awarded to Rimfire Vineyards and Winery at Macglagan on the northern Darling Downs, whose prize Chardonnay also won the trophy for the best dry white table wine of the show. In another great achievement for Queensland's wine industry, Ballandean Estate in the Granite Belt won the national trophy for the most successful exhibitor, winning seven silver and six bronze medals. More than 120 entries from the Granite Belt, the Darling Downs, Burnett,

Mount Perry, Mount Tamborine, St George and Roma won a total of 33 medals, including 12 silver and 20 bronze.

These are tremendous results for Queensland's wineries and they are testimony to the growing levels of quality and confidence in this exciting industry. My department has played a key role in supporting the Winemakers Show, including sponsoring the Technical Excellence for Queensland Wine Award for the third year. My department's wine industry adviser, Di Westhorpe, was also actively involved in organising and promoting this event, which this year achieved wide media coverage. I would like to take this opportunity to congratulate Denis Kenny and the Southern Downs Tourist Association, along with the Stanthorpe Agricultural Society and all wineries which participated in this landmark event for the Queensland industry.

In line with the resounding success of the Australian Small Winemakers Show, my department's Wine Industry Project is also supporting a number of other initiatives to promote the sustainable development of Queensland's wine industry. The wine industry adviser recently attended the one-day national forum in Melbourne to discuss Strategy 2025, the 30-year plan for the development of the wine industry. I am advised that Queensland's Wine Industry Project, with its own export development, marketing and investor programs, generated much interest from industry and media bodies at the event. Through the project, my department has also been involved in facilitating a number of investments in both the Mount Tamborine and Granite Belt regions. In fact, more that $1.4m has been spent on upgrades and extensions of existing facilities in the Granite Belt region alone. Approximately $960,000 has also been spent on land in the area, expressly for the purpose of planting wine grapes.

The Queensland Wine Industry Project has as its key focus: market recognition of Queensland wines, increased sales to local and other markets, expansion of planting areas and investment in production facilities. My department is also contributing $40,000 towards the establishment of a Wine Tourism Promotion Centre at Stanthorpe. This funding was recently announced by the member for Warwick, Mr Lawrence Springborg. This new facility will help growers in the region benefit from the tremendous tourism opportunities presented by Stanthorpe's unique environment and attractions.

I am sure that all members would agree that the Queensland Wine Industry Project is well on track to achieve its goal of doubling the turnover of the wine industry from $17m to $34m over two years. The coalition Government will continue to work in partnership with industry to ensure that the business and tourism opportunities presented by Queensland's wine industry are captured.

## MINISTERIAL STATEMENT

### Wet Tropics Management Plan

**Hon. B. G. LITTLEPROUD** (Western Downs—Minster for Environment) (10.02 a.m.), by leave: On 19 August I tabled in the House the management plan for the Wet Tropics World Heritage area following its approval by the Governor in Council on the recommendation of the Wet Tropics Ministerial Council of which I am chairman. However, Mr Noel Pearson, the Cape York Land Council Aboriginal Corporation and the North Queensland Land Council Aboriginal Corporation have lodged in the Queensland Supreme Court an application for judicial review of the ministerial council decision. The plan was to have taken effect from 1 November. Legal advice has been sought and the matter is currently the subject of urgent consideration by members of the ministerial council. I am hopeful of finding a satisfactory outcome to this latest development in efforts to finalise a management plan for the Wet Tropics.

## MINISTERIAL STATEMENT

### Water Infrastructure Projects

**Hon. H. W. T. HOBBS** (Warrego—Minister for Natural Resources) (10.03 a.m.), by leave: In response to recommendations by my Water Infrastructure Task Force, a Water Infrastructure Development Group was formed within my department in July to manage the Government's interests in water infrastructure projects. The group comprises members who have worked on most of the State's water projects over the last 20 years and are specialists in the delivery of major water infrastructure projects. The group is responsible for the delivery of the existing capital works program, including the sugar industry infrastructure package projects.

Highlights of the good progress being achieved on the projects include the following: the Burdekin River irrigation area augmentation, where ongoing works are continuing in the Haughton, Northcote and Selkirk areas, with 19 more farms to be developed this financial year; rubber dams

have been manufactured and civil works for Dumbleton Weir Stage III will be completed by the end of this year; satisfactory construction progress is being maintained at Walla Weir Stage I, with excavation complete and some 8,000 cubic metres of concrete placed.

Environmental issues are in hand and infrastructure relocations are progressing. Planned completion of that weir is May 1998. In relation to the sugar industry infrastructure package projects, all projects are proceeding as planned, except the northern drainage projects which are awaiting resolution of a number of environmental issues. Completion of the Warrill Creek diversion weir is expected in December 1997. Work is continuing on Stage I of the Mareeba-Dimbulah irrigation area augmentation and a second release of water is being planned. The raising of the Bingegang Weir fixed crest is in progress and completion is planned in December 1997. Construction commenced on the interim raising of Borumba Dam in August with good progress to date. Excavation has been completed, concrete works are progressing well and the dam is on schedule for completion in December 1997.

## MINISTERIAL STATEMENT

### Olympic Soccer Matches

**Hon. M. D. VEIVERS** (Southport—Minister for Emergency Services and Minister for Sport) (10.05 a.m.), by leave: This Government is bringing the Olympics to Queensland. The best Olympic news for Queensland came out of Cabinet on Monday, when the Government committed itself to spend $32m to upgrade Lang Park. This upgrade will ensure that Queensland hosts at least seven Olympic soccer matches. This time, Queensland has trumped Jeff Kennett because we do have Lang Park. The simple fact is that Melbourne does not have a stadium suitable for the soccer matches. We do, and Queensland will be getting the matches—at Lang Park. I might add that, while we have been promised seven matches, I am hopeful that we will get more; we may even get a semi-final.

Queensland could hope for no better publicity in the run-up to, and during, the Olympics than to host these soccer matches here at the Cauldron. The focus of the world's media will be on Brisbane at Lang Park. We will have a world audience of hundreds of millions of people.

**An Opposition member** interjected.

**Mr VEIVERS:** I hope I get the bipartisan support of the members opposite. It would be impossible to buy the publicity that Queensland will bask in—all this prior to the official opening of the Olympics! Queensland will receive the publicity and huge economic windfall because this Government has the courage and the foresight to commit funds to worthwhile projects such as Lang Park.

This Government is bringing the Olympics to Brisbane. This is an opportunity that we would not get in two lifetimes—or in your case, Mr Speaker, one. When the Games are over, Brisbane will have a world-class venue, not only for soccer but also for Rugby League and Rugby Union to boot—and that is Lang Park.

## VACANCY IN SENATE OF COMMONWEALTH OF AUSTRALIA

### Suspension of Standing Order 331; Election of Senator

**Mr FITZGERALD** (Lockyer—Leader of Government Business) (10.07 a.m.), by leave, without notice: I move—

> "That so much of Standing Order 331 be suspended to enable the House to meet on Thursday, 30 October, at 8.45 a.m. for the purpose of electing a senator for the State of Queensland."

Motion agreed to.

## SITTING HOURS; ORDER OF BUSINESS

### Sessional Order

**Mr FITZGERALD** (Lockyer—Leader of Government Business) (10.07 a.m.), by leave, without notice: I move—

> "That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, the House will continue to meet past 7.30 p.m.
>
> Private Members' motions will be debated between 6 and 7 p.m.
>
> The House will then break for dinner and resume its sitting at 8.30 p.m.
>
> Government Business will take precedence for the remainder of the day's sitting, except for a 30-minute Adjournment debate."

Motion agreed to.

## NOTICES OF MOTION

### Public Housing

**Hon. T. M. MACKENROTH** (Chatsworth) (10.08 a.m.): I give notice that I will move—

"That this House expresses its concern at proposed changes to the Public Housing system in Queensland.

In particular, we note—

(1) Rents will be increased to 25% of income.

(2) Tenants will lose security of tenure.

(3) New tenants' area of choice has been restricted.

Further, this House requires the Minister for Public Works and Housing to abandon these changes which attack the most vulnerable and genuinely needy in our community."

## PRIVATE MEMBERS' STATEMENTS

### Roma Street Railway Site

**Hon. T. M. MACKENROTH** (Chatsworth) (10.09 a.m.): This morning we have a seen a great backflip by the Premier. He stated that his Government had planned and always had planned to have parkland on Roma Street. We went through this debate last year in which the Government disowned a consultant's report, claiming that it had been unaware of it. That is untrue. Last year, under the Freedom of Information Act, I requested information as to what had been done by this Government in relation to Roma Street. Some documents were supplied, but I was told that I could not look at many other documents. I objected to that, firstly to the department, but I was still refused access. I then went to the Information Commissioner. Members would not want to know! Last week I obtained some of the documents. It is no wonder that those opposite did not want me to see them. The former Minister wrote to Mr Borbidge on 15 March 1996 and he said—

"In response to Cabinet's decision on Monday 11 March 1996, please find attached a summary of the plans, proposals and new initiatives of the Public Works and Housing portfolio."

Part of those plans, proposals and new initiatives include the Roma Street parklands. The document reads that the Roma Street parklands—

"provides the opportunity to have a major influence on the urban design and composition of the CBD. This project is currently at the Concept stage and there is an opportunity to revisit the various options to develop the site whilst maintaining the Roma Street Parkland concept."

The plan produced and presented to the former Minister for Public Works and Housing in late March 1996 shows a number of buildings in the parklands project. A further plan was presented to the former Minister. This dealt with the current status of the parklands as at 13 September 1996 and it showed 13 residential towers.

Time expired.

### Business Centres

**Mr HEGARTY** (Redlands) (10.11 a.m.): Last month I attended the opening of the Southside Business Centre at Springwood. This marked the beginning of a new era in Government services for business in the southern parts of Brisbane, Logan City and the Redland Shire. With the opening of this new centre, the Minister for Tourism, Small Business and Industry's department is now providing some 22,000 business people with a single point of access to Queensland Government business information and services. These businesses are situated around Wynnum, Manly, and the south side of Brisbane bounded by Carindale, Sunnybank and Calamvale. In Logan City it extends from Browns Plains to the Logan River and the Redland Shire.

The business centre concept, introduced by the Minister earlier this year, represents a whole new approach to the provision of Government services and assistance to business. Fifteen centres will eventually be operational throughout the State. These centres will provide support to the smallest of businesses. They will even provide support for those people who are still in the planning stages of establishing a small business. Of course, the centres will provide services and support for established small and medium-sized enterprises and larger firms.

Over the past few months the Minister's department has already opened business centres in Townsville, the Gold Coast and the Sunshine Coast. A Northside Business Centre opened at Aspley in July and is now servicing businesses in Brisbane's northern suburbs and in Redcliffe, Pine Rivers, Caboolture and Kilcoy. Following these successes, 10 more centres will be completed in the coming months in Ipswich, Toowoomba, Maryborough, Bundaberg, Gladstone, Rockhampton, Mackay, Mount Isa, Cairns and Brisbane City. At each of these centres the full range of business services provided by Minister Davidson's department will now be available under the one roof.

These services include one-on-one consultations, information on advisory seminars and workshops, the availability of industrial land and much more. Each of the centres will have on display a full range of video and audio information and publications of practical use to business. Qualified business advisory staff will be on hand to provide advice. Access to all State Government business licensing information will also be available at these centres. There will even be terminals for business people to link in to the Internet.

Time expired.

## Premier's Broken Promises and Backflips

**Mr BEATTIE** (Brisbane Central—Leader of the Opposition) (10.15 a.m.): Today I want to talk about Premier Borbidge's broken promises and backflips. Ever since he became Premier, Mr Borbidge has backflipped on almost every one of his major commitments. "Backflip" Borbidge—the Premier who promised in his contract with Queensland a justice system in which "criminals, sane or otherwise, serve their time—not running around the streets" but in secure custody. Tell that to the parents of the girl killed by Ross Farrah who has been allowed out of custody by the Borbidge Government to go to the cinema. "Backflip" Borbidge—the Premier who promised in his contract with Queensland, "We will not attempt to buy Government!" Six million dollars of political propaganda in the months up to Christmas prove that he is "Backflip" Borbidge. "Backflip" Borbidge—the Premier who promised in his contract with Queensland that there would be a $70m jobs plan to create 9,500 new jobs. There is no jobs plan. What has happened? We have lost more than 7,000 full-time jobs in the last year.

"Backflip" Borbidge—the Premier who introduced a total of seven new or increased taxes after promising that there would be no new or increased taxes at all. Remember the oil and tyre levy! Remember the tax on national parks! "Backflip" Borbidge—the Premier who promised to retain full common law access in workers' compensation legislation. Remember that? "Backflip" Borbidge—the man who promised that trading hours would be reversed to pre-1994 levels. Should the Premier be called "Backflip" Borbidge or "Basil" Borbidge? The Executive Building has become Queensland's Fawlty Towers.

Because the Premier refuses to stand up to Pauline Hanson, major projects such as the Surat Basin are put at risk. The Premier can announce projects like the Surat Basin, but they may never happen if he refuses to stand up to Pauline Hanson and fails to do something constructive to help overcome the effects of the worsening Asian economic crisis.

What about the Premier's commitment to a referendum on an Upper House? That was another backflip by "Backflip" Borbidge. Does the Premier keep any promises?

## DPI Forestry

**Mr STEPHAN** (Gympie) (10.17 a.m.): I take this opportunity to reply to the comment made by a local Gympie conservationist, Mr Sykes, where he claimed that DPI Forestry "shamefully" produces 75% of the State's timber "at taxpayer expense" and that Queensland has an "ailing timber industry" and is an "economic mess". This claim is certainly a long way from the facts.

The facts prove otherwise. Gary Bacon from DPI Forestry points out that DPI Forestry is a commercial business with a bottom line of making a profit for the State. In 1996-97, DPI Forestry returned over $20m to its shareholders, the Queensland taxpayers. It earned a profit of $17m after meeting all expenses, including the planting of over 4 million trees in the year.

The organisation is respected internationally as Australia's second largest forest grower. This is hardly indicative of an organisation operating "at taxpayer expense". Queensland's timber industry is far from ailing. It is the State's seventh largest manufacturing industry, responsible for contributing some $1.7 billion to the State economy each year.

A study of the industry shows that for every 10 jobs created directly, a further eight jobs are created in the wider economy. That is of great benefit to the Queensland economy. Applying that multiplier to the direct annual value of the industry in dollar terms, the industry contributes $3.3 billion overall to Queensland's economy every year.

Time expired

## Premier's Broken Promises and Backflips

**Hon. J. P. ELDER** (Capalaba—Deputy Leader of the Opposition) (10.19 a.m.): Members on this side of the House are quite happy to acknowledge the achievements and strengths of the Government. In Queensland we have a Premier who is better than anyone else at some things. He is better at breaking promises! As we have seen this morning, he is

better at supreme backflips. Roma Street is just a classic example.

The Premier has already torn up his contract with Queensland in which he broke every second promise. He has backflipped on every second promise. The Premier knows no more about the truth than do the rest of those opposite. He twists the truth. He changes the truth. From day to day he is not even sure of what is the truth. When he makes a comment he goes this way and he goes that way. He has different positions on different issues every day of the week. When he is making comments to the media, he does not even know whether something he said the day before was true or not.

As the Leader of the Opposition said, the Premier introduced seven new taxes. This is the Premier who put his hand on his heart and said that his Government would not introduce any new taxes. In a backflip the Premier went back on seven of those new taxes. He reviewed the seven taxes and scrapped half of them. The Premier is going around in circles. Good old "Backflip Rob"! No wonder H.G. Nelson and Rampaging Roy Slaven singled out Premier Rob for a special poll of viewers on their ABC TV program. They reported from the Denver Beanland Room at Club Buggery that 8 million Australians had responded to the poll. I will tell honourable members the results of the poll. Only 2% of those polled said that the Premier was competent; 98% got it right and said that he was a dangerously stupid goose. I am with Club Buggery and those 8 million Australians. I happen to think the Premier is a dangerously stupid goose.

Time expired.

## Willows Shoppingtown

**Mr TANTI** (Mundingburra) (10.20 a.m.): Last night during the Adjournment debate, the member for Thuringowa, the honourable Ken McElligott, made an attempt to get a political hit on me in relation to confidential documents, political collusion and treachery in relation to the tenants of the Willows Shoppingtown—Norwich Union and Jones Lang Wootton—and the problems associated with that shopping centre.

Firstly, I shall quote from my maiden speech on 2 April 1996. I stated—

> "I ... intend to provide a flow of information between this House and my electorate to ensure that my constituents feel that they are a part of, and not only subject to, the democratic process."

I make that point and say that the member for Thuringowa——

**Honourable members** interjected.

**Mr SPEAKER:** Order! The House will come to order on both sides.

**Mr TANTI:**—must feel the same way, as I now ask him: if he wanted to ensure no breach of confidence for the tenants and others, why did he, after his speech during the Adjournment debate on 8 October, allow the tabling of the documents? Is this how the member for Thuringowa treats so-called confidential documents? If he wants to make allegations about Barbara Hymus, why does he not confront her himself?

I asked myself why the member for Thuringowa would try to do a political hit on me over this. The only answer that I can ascertain is that he wanted to take the heat off himself for his huge mistake in tabling the documents.

**Mr Schwarten** interjected.

**Mr SPEAKER:** Order! The member for Rockhampton! I now warn him under Standing Order 123A.

**Mr TANTI:** After some 14 years of politics, surely he must know that tabled documents are available to the public. I ask: where was Mr McElligott when this problem was around during the last two years?

**Mr Woolmer:** He knowingly misled the House.

**Mr TANTI:** He knowingly misled the House; that is correct. Is it correct that Mr McElligott is so desperate that he has even forgotten that some of the tenants have settled the problems, that is, received a payout? He should be concentrating on fixing the problems rather than allowing tabling of so-called strictly confidential paperwork.

## Performance of Treasurer

**Hon. D. J. HAMILL** (Ipswich) (10.21 a.m.): This morning members have heard about the Premier's acrobatic ability. But it would be unfair to think that he is the only acrobat in this Government. He has a Treasurer who does so many backflips that she would qualify for the Olympic gymnastics team. After all, is this not the very Treasurer who promised us no new or increased taxes or charges? Yet within seven months of coming to Government, the Treasurer tried to introduce no fewer than seven new or increased taxes and charges in her first Government.

It is not only that. This is the Treasurer who also assured Suncorp and QIDC employees that no-one would lose their jobs. There must be a lot of people down there at Suncorp who have "No-one" as their surname, because 500 people by the name of No-one have already lost their jobs at Suncorp, and another 1,000 people called No-one are looking down the barrel of unemployment. The Treasurer backflipped on her promise that the Suncorp/Metway merger would not cost Queensland taxpayers. Yet she asks Queensland taxpayers to fork out $100m in interest payments on capital notes so that she can cash in on the inflated Suncorp-Metway share price.

The Treasurer cruelly backflipped on her promise to install a youth employment scheme in return for land tax concessions. She provided the land tax concessions all right, but where is the youth employment scheme? It was not just a backflip on this one; it was a backflip with a pike, because the Treasurer also scrapped the $5m youth employment service in her first Budget. She backflipped on her solemn promise to borrow only for infrastructure that can service its debt. But that was the very Treasurer who forced the Queensland taxpayer to borrow a further $217m to pay for her notorious Sunshine Motorway.

**Mr Foley** interjected.

**Mr SPEAKER:** Order! I now warn the member for Yeronga under Standing Order 123A.

**Mr HAMILL:** The Treasurer now has no means whatsoever of repaying that debt. The Treasurer backflipped on a commitment not to borrow for recurrent expenditure. She borrowed $850m and told the electricity industry to do it, to underwrite her blow-out in recurrent spending. The Treasurer promised Queenslanders three months ago that there would be no fuel or tobacco price increases.

Time expired.

## Bushfire Season

**Mr HEALY** (Toowoomba North) (10.23 a.m.): I rise to inform the House of the considerable preparations being undertaken under the guidance of the Honourable Minister for Emergency Services in readiness for the forthcoming bushfire season. As part of the Government's total commitment to the improvement of emergency service delivery and in pursuit of pro-active strategies to lessen the bushfire threat, the Minister has provided a record level of funding to the Rural Fire Division. A massive $13.5m three-year funding boost was announced by the Minister in the last Budget.

**Mr Wells** interjected.

**Mr SPEAKER:** Order! The member for Murrumba! I now warn him under Standing Order 123A.

**Mr HEALY:** There are no piecemeal approaches or bandaid solutions, just cold, hard cash to the State's rural volunteer firefighters.

As part of this season's preparations, rural fire brigades at a local level have conducted hazard reduction burns during winter. At a State level, the division is continually evaluating fuel loads and the potential and current bushfire risk. This risk is able to be mapped with the utilisation of satellite information and from the supply of on-the-ground information from regions throughout the State. The division has also established a duty officer schedule at its headquarters. This will ensure that firefighter support at State level is obtainable within two hours of an alert being given. Level 1 volunteer firefighter training has been continually conducted and will continue all year round. An incident control system for volunteers has been finalised to ensure a uniform approach to all emergency situations.

With the funding provided by the Government, 16 rural appliances have been produced since July, and the majority of the scheduled production of 64 appliances will be delivered in the near future. On top of all that, nearly $1m of general subsidised equipment has been distributed to brigades throughout the State since July. The Interdepartmental Committee on Bushfires has been re-established and consists of all interest groups, enabling a coordinated whole-of-Government approach to the threat.

I am able to assure all members that, due to this Government's record financial allocation and implementation of pro-active strategies under the guidance of the Honourable the Minister, we are ready for the approaching bushfire season.

## Police Resources; Performance of Police Minister

**Mr BARTON** (Waterford) (10.25 a.m.): The Minister for Police cartwheels all over the place as part of this Fawlty Towers Government, breaking promises and backflipping. Along with his mate Premier "Backflip" Borbidge, "Cartwheeling" Cooper has perpetrated a hoax on the people of

Queensland. In the Courier-Mail of 7 June 1995, the then shadow Police Minister said—

> "The Coalition will be ensuring that there are far more resources available to allow a serious assault on crime statewide."

Yet what was one of the first ministerial actions of Police Minister "Cartwheeling" Cooper? He cancelled the July 1996 intake of police recruits, which Labor had planned to ensure more police on the streets of Queensland. He cancelled Labor's Police Beat program. He cancelled plans to build a $3m police station for the people of Red Hill. In fact, he abolished the whole division and reduced police numbers for people between Moggill and The Gap from 111 to 89 along the way. Labor had planned to train 420 recruits at the Oxley Academy during 1996-97, as this Minister full well knows, but the cartwheeling Police Minister Cooper trained just 386—34 less than Labor had planned for the same period. Yet the Minister would have Queenslanders believe that he is serious about improving the safety of Queenslanders through better policing.

On 14 November 1995, "Cartwheeling" Cooper told Parliament—

> "To reach the statewide police-to-population ratio, Townsville would need an extra 71 police officers ..."

He told the Courier-Mail in January 1995—

> "The Logan Police District needs a minimum of 150 extra police to bring the police/population ratio to the state average ..."

Yet what happened in Townsville and Logan? "Cartwheeling" Cooper tells us that the police to population ratio has gone backwards under the coalition Government for Townsville and Logan, along with Innisfail, Mareeba, Rockhampton, Gympie and Wynnum. They are a lot worse off under this Fawlty Towers Government. Wynnum—what another backflip! When Labor left office there were 147 police at Wynnum.

Time expired.

## Cupanopsis Shiraleyana

**Mr RADKE** (Greenslopes) (10.27 a.m.): I have had the pleasure to work with the Whites Hill bush care group, which meets at the end of Jones Road. One of its aims is to protect endangered specimens of the native plant cupanopsis shiraleyana. Their work is not restricted to the Whites Hill/Pine Mountain Reserve. However, this area of bushland is a vital part of Brisbane City and deserves protection, for it is a major natural area.

Cupanopsis shiraleyana is on the rare and threatened plants list in Queensland. This species is confined to coastal rainforests between Brisbane and Bundaberg. In its natural state it forms a slender tree to about eight metres in height, growing from a multi-stemmed base. Cupanopsis shiraleyana has very distinctive leaflets, being triangular or wedge shaped, with a characteristic holly plant appearance.

The Whites Hill bush care group has expended a vast amount of time and energy in protecting this rare and threatened species. This has been achieved by removing flammable fuels produced by the introduced molasses grass from around its base as well as planting more fire retardant native species to afford it protection from fires. The conservation process of removing extremely flammable plant species from the surrounding area of fire sensitive plants and then replanting more fire retardant plants around the endangered species is a commonsense practice. As the member for Greenslopes I support and am impressed by my local bush care group's efforts in protecting cupanopsis shiraleyana.

## Health

**Mrs EDMOND** (Mount Coot-tha) (10.29 a.m.): The Health Minister has beaten all his ministerial colleagues in the backflip stakes as he tries to take over the leadership of the team. Honourable members can consider his list of broken promises. No privatisation—does he remember that one? The new hospitals at Noosa and Robina are private, using failed interstate models. Cardiac surgery at the PA definitely by the middle of 1997—where is it? How many operations have been done there? A hyperbaric chamber for the Royal Brisbane Hospital—that one sank to the bottom of the sea. No bed closures—we have new euphemisms for bed closures across Queensland. They are now called decommissioned beds, out-of-service beds, rested beds, sidelined beds—anything except closed beds. Reduced waiting lists—we now have waiting lists to get on the waiting lists, double-barrelled waiting lists, waiting lists to see a doctor, waiting lists to see a surgeon, and waiting lists to get a bed. Consider Maryborough Hospital—the Minister has changed his position on that more times than he has changed his socks.

## QUESTIONS WITHOUT NOTICE

### One Nation Party

**Mr BEATTIE** (10.30 a.m.): In light of the spreading Asian financial crisis, I refer to media comments by the Premier's Minister for Trade and Economic Development that "Asian trade relations will be shattered if the One Nation Party wins the balance of power at the next election". I also refer to media comments by National Party State Director Ken Crooke that "The reality is that much of what Ms Hanson is saying has been National Party policy for a long time". I table both those references, and I ask: is it true that the National Party has done a secret deal with One Nation to swap preferences at the next election? If not, will the Premier give a clear and unequivocal commitment today—as the Labor Party has already done—that the National/Liberal coalition parties will put One Nation candidates last on ballot papers at the next State election?

**Mr BORBIDGE:** In reply to the Leader of the Opposition, the answer to the first part of his question is: no. As to the second part of his question—I am not quite sure how the Labor Party operates, but the allocation of preferences, if the coalition parties decide to allocate preferences, is one that is determined closer to the election by the respective party organisations.

### Public Service

**Mr BEATTIE:** Let the record show that the Premier refused. I refer the Premier to the organisational change guidelines prepared by the Office of the Public Service dated 10 October 1997, which I table. I direct the Premier to page 3 of the document, which gives the green light to significant outsourcing provided there are savings of more than 10%. I ask: as this breaks the Premier's promise of maximum job security for all Queensland public servants—because hundreds of jobs will be lost to privatised services—how will he reconcile the split in the senior levels of the Public Service where bureaucrats, including the Under Treasurer and the heads of Health and Main Roads, have attacked his policy as a sham that will not work because of other Government policies on agency restructuring, commercialisation and outsourcing of services to the private sector?

**Mr BORBIDGE:** I am unaware of the Under Treasurer or the Director-General of Main Roads criticising Government policy. Perhaps the Leader of the Opposition might like to substantiate the remarks that he has made.

**Mr Elder:** Have a look at your own document.

**Mr BORBIDGE:** The Leader of the Opposition said that directors-general had been openly critical of Government policy. I will compare the performance of this Government in regard to security of tenure in the Public Service with the performance of the previous Labor Government. Which party in Government wanted to close one third of Queensland Rail? It was not the coalition; it was the Deputy Leader of the Opposition and the shadow Treasurer. Which party in Government created the monster of the Public Sector Management Commission and the Office of the Cabinet and for six long years made life hell for public servants from one end of this State to the other? It was the Labor Party, not the coalition. Which party in Government humiliated former directors-general into resignation by putting them into a Gulag until such time as they resigned? It was not the coalition; it was the Labor Party.

I can remember fairly early in the piece when Mr Gordon Rennie and Mr Alex Scott from the State Public Services Federation came into my office as they do from time to time to talk about issues of particular concern. They were looking around the Premier's office. I said, "Is something wrong? You are having a good look around." They said, "Mr Premier, it is the first time we have ever been invited in here." That is the difference between the way the Labor Party treated public servants and the way this coalition treats public servants.

Not so long ago Cabinet adopted a decision in respect of security of tenure in the Public Service that is unrivalled in terms of security of job tenure not only in this State but also anywhere else in Australia. If one considers New South Wales and the public servants being sacked there and the Public Service retrenchments in the rest of Australia, one realises that it has been this Government in Queensland that has returned security to the public sector and generated appropriate morale after the six long years that Labor and Kevin Rudd and Dr Coaldrake absolutely decimated the public sector in this State. I am particularly proud of the recent Cabinet decision. It means that, in terms of security of tenure in this State, Queensland public servants now have the sort of deal from this Government that they have never had from any previous Government, coalition or Labor.

### Police Resources

**Mr SPRINGBORG:** I refer the Minister for Police, Corrective Services and Racing to the Opposition's claim that this Government has fallen short in its promise on police numbers. I ask: can the Minister detail comparative police numbers between February 1996 and September this year?

**Mr COOPER:** I realise that it is not very often that I am able to give an update on police numbers. It does give me a lot of pleasure to go through some of the police districts and police regions and also to nominate some of the electorates of members opposite that have done very, very well. I sincerely hope that members opposite are appreciative. I know that the member for Redcliffe will be very pleased, or he should be. The member for Maryborough and a whole host of members opposite will do extremely well. In the Far Northern Region, when we came to office in February 1996, the numbers were 440. They have increased to 475. That is an increase of 35 warm bodies, that is, over and above the attrition rate. That is fact. Cairns increased by five. That is an electorate of a Labor member that has done extremely well. Innisfail and Mareeba also saw rises. In the Northern Region, the numbers increased from 442 to 475, an increase of 33.

In the six years that members opposite were in office, the numbers were going down. The difficult task that we had was to catch up. We knew that it would take 12 months to get the academy going at Oxley and to get the recruits in again. That is now chock-a-block; it is full. That is in addition to the academy at Townsville, which members opposite opposed. They will be pleased to know that it is running extremely well. Already we have had 80 inductions and another 40 will be going through in December. That academy has proved to be very popular indeed. I know that people in Townsville and across the north west and west are extremely happy with the academy.

The member for Mount Isa has done extremely well. He is nodding. I know that he appreciates receiving 14 extra police in that time. In Townsville, which contains electorates represented by members opposite, the numbers have increased by 17. They, too, would be extremely appreciative. The numbers are increasing. During the time when Labor was in office, the numbers could barely keep pace.

In the Central Region, numbers have gone up by 30—from 520 to 550. Mackay did extremely well by getting 15 extra police. I take it that the member for Mackay is extremely appreciative of that. He knows that the police numbers in his area have increased. They are extra, new, warm bodies above and beyond the attrition rate. I know darned well that the member would appreciate that and also the fact that there will be more increases.

Police numbers in Rockhampton have also increased. I know that the member for Rockhampton would be very happy about that. Police numbers in the North Coast Region have increased from 718 to 765. That is a whopping increase of 47. The Labor member for Bundaberg would be pleased with an increase of four police in his area. Also, the member for Maryborough would be extremely pleased about the increase of 13 police, and the fact that there are more to come. Is the member happy about that? He has nodded. I thank him for that. Police numbers in Redcliffe have increased by 14 to 191. How does the member for Redcliffe feel this morning? Is he feeling okay? Did the member have a couple of Beroccas this morning? Is he feeling all right?

Those increases in police numbers are tremendous. On the Sunshine Coast, police numbers increased from 257 to 274—a whopping increase of 17. Police numbers in the south-eastern region towards the Gold Coast increased from 810 to 861—an increase of 51 over and above the attrition rate. In the Logan area—and the members opposite would have a rough idea of where that is—police numbers have increased from 328 to 339—up by 11 new, warm bodies. Police numbers in the Gold Coast Police District went up by 49. The people on the Gold Coast——

**Opposition members** interjected.

**Mr COOPER:** All morning that lot opposite have been tossing around names. Of course, sometimes their minds sink to a pretty low level. From "Cartwheeling" Cooper to——

**Mr BARTON:** I rise to a point of order. It is a great pity that, despite the increases, all of the stations that the Minister mentions are still below their allocated strength.

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

**Mr COOPER:** The member does not know when he is whopped. I repeat the promise that I made in the first year of this Government of 139 extra police—warm bodies over and above the attrition rate.

**Opposition members** interjected.

**Mr COOPER:** That is right. The members opposite cannot stand the sound of that. That

means that those people are real police. I know where the member's mind operates.

**Mr WELFORD:** I rise to a point of order.

**Mr COOPER:** This will be frivolous.

**Mr SPEAKER:** Order!

**Mr WELFORD:** I rise to a point of order. Could the Minister clarify whether the bodies are warming up or cooling down?

**Mr COOPER:** I told you——

**Mr SPEAKER:** Order! I will clarify something: the member is now warned under Standing Order 123A for a frivolous point of order. I do not want to hear the member again.

**Mr COOPER:** The member cannot help it. I could see that one coming from a mile away. In relation to the Metro South Region, police numbers increased from 672 to 718. That is an increase of 46 extra police over and above the attrition rate—warm bodies, new bodies. "Tumbling Tommy" over there would not have a clue what a warm body was. Although I do know that his mind——

**Mr BARTON:** I rise to a point of order. I find the Minister's remark that I would not know what a warm body was offensive, because I assure him that I do.

**Mr SPEAKER:** Order! I did not hear the Honourable Minister for Police refer to the member.

**Mr COOPER:** I referred to "Tumbling Tommy". I referred to the fact that he would not know what a warm body was. By his reputation around town——

**Mr SPEAKER:** Order! The honourable member for Waterford has found that remark offensive and has asked the Minister to withdraw. So I ask the Minister to withdraw the remark that he made about the member for Waterford.

**Mr COOPER:** I will withdraw it. It was not so long ago that he was calling me "Cartwheeling" Cooper and I just thought that maybe I could cartwheel over the top of "Tumbling Tommy". The member does not have a worry with that?

**Mr Barton:** Fair cop.

**Mr COOPER:** I did not think that he was as thin skinned as that. I really did not. I thought that the member could cop it. A couple of members are pretty thin skinned, but in time they will toughen up.

**Mr SPEAKER:** Order! The Minister will return to his answer.

**Mr COOPER:** Police numbers in the Metro South Region increased from 672 to 718. That is an increase of 46. Police numbers in South Brisbane increased from 314 to 343—a whopping increase of 29. Police numbers in the Oxley region have increased by 29.

**Mr SPEAKER:** Order! I ask the Minister to complete his answer.

**Mr COOPER:** But the members opposite love hearing these figures. They relate to real, genuine people. Police numbers in the Metro North Region increased from 828 to 863. That is an increase of 35. Police numbers in the Boondall area, which is a Labor area, increased by 12. Police numbers in Brisbane City, a Labor area, increased by 35. Even police numbers in Fortitude Valley increased by 13. Those increases in police numbers are massive; they are huge. The good news is—and I know that the members opposite love to hear this—that it is going to continue.

## Public Service Hit Lists

**Mr ELDER:** I refer the Premier to his media comments yesterday about the CJC investigation into claims by former National Party director Mike Evans that he worked for him screening Public Service lists for ALP operatives and to the Premier's refusal to back Mr Evans, saying—

> "People like Mike Evans ... are big enough and ugly enough to look after themselves."

I ask the Premier: is this the fate that awaits all the Premier's Public Service hit list assassins who will be publicly disowned by the Premier once they have done his dirty work?

**Mr BORBIDGE:** The revelation this week has been the Labor Party hit list. Yesterday in this place I gave the Leader of the Opposition an opportunity to say yes or no to the future of every director-general should Labor win the next election, which, of course, it will not. Right down to the Police Commissioner, the Leader of the Opposition failed to support any of those directors-general. In addition to that——

**An Opposition member** interjected.

**Mr BORBIDGE:** I am sorry, that is what happened. If the member was asleep, that is his problem. Today, the Leader of the Opposition has a very clear responsibility to the people of Queensland to tidy up the allegations and the comments that were made in the Courier-Mail on Monday and to say which of the current directors-general will stay and go should Labor win the next election.

However, in his New Directions statement, the Leader of the Opposition has gone further. The Leader of the Opposition has now effectively put all deputy directors-general on notice. So under Mr Beattie's hit list we will have a return to the Gulag, a return to the days of the Office of the Cabinet, a return to the PSMC——

**Mr BEATTIE:** I rise to a point of order. The document is very clear. That is not true. I find it offensive and I ask it to be withdrawn, along with the Premier's commitment about preferences to One Nation.

**Mr SPEAKER:** Order! The honourable Leader of the Opposition has found some remark offensive and has asked the Premier to withdraw.

**Mr BORBIDGE:** I am confused about how the One Nation Party got tied up in Labor's hit list. I cannot work out the logic there. However, if the Leader of the Opposition finds something offensive, I will withdraw it. I again invite the Leader of the Opposition to say which of the directors-general, the two or three that he admitted he might keep, will be staying so that all the other directors-general know that they are on Labor's hit list.

In reply to the Deputy Leader of the Opposition, I say to him not to judge us by his standards.

## New Schools

**Mr HARPER:** I ask the Minister for Education: can he please inform the House of the list of new schools approved for opening in 1999?

**Mr QUINN:** I thank the honourable member for his question. In terms of a new high school at Jindalee, I acknowledge the strong representation that the member has made on behalf of his constituents. That will be one of the new schools that has been approved for opening in the 1999 school year. In fact, it will be the first new high school built in Brisbane for quite a number of years, possibly 10 years. That is a much-needed facility in the western suburbs of Brisbane. I think that most people in that area, particularly in the Mount Ommaney electorate, appreciate that this Government has really made an effort to provide that modern facility in a very short time.

So far I have approved five new schools to open at the beginning of 1999. Besides Mount Ommaney, there will be a new high school and primary school, the P-10 complex, at Tin Can Bay. I acknowledge the strong representation by the member for Gympie in securing that particular facility for his electorate.

We have also announced the construction of a high school at Mount Tamborine, which is needed due to the significant transport problems faced by students who have to travel up and down the mountain. A new complex will be built at Laidley as a result of the amalgamation of three schools into one modern facility. We have been working with the local school community to achieve that outcome. It is a much-needed facility, because the existing facilities are somewhat dated in what they can offer their students in terms of subjects and their capacity to move into the new era. A primary school at Cooktown will be moved onto the high school campus, which will be a much more convenient arrangement for the students and the administration of the school in general. Other schools will be approved in the coming month or so.

The Government is following the same process that has been followed within the department for a number of years, that is, the department assesses the needs of various areas and makes recommendations to the Minister, who then approves those particular projects. To date the projects that we have approved total some $34m. Most members would agree that that is money well spent in providing quality facilities for students in our schools.

The most disappointing note is that not all of these announcements have received bipartisan support from across the Chamber. I think that is rather unfortunate, because it puts doubts in the minds of local communities about whether or not the facilities will go ahead as planned, given the fact that there will be an election probably before halfway through next year.

To date, we have received bipartisan support for the new high school to be built at the P-10 complex at Tin Can Bay, but I have some reservations about whether the Opposition will support the other projects that the Government has announced, particularly those at Mount Tamborine and Jindalee, or indeed whether it will support any other new schools that the Government may announce in the future. I would have thought that it would be incumbent upon Opposition members to make known their views on whether or not they support those new schools, given the fact that we will be in election-campaign mode halfway through next year.

**Mr BREDHAUER:** I rise to a point of order. I look forward to opening all of the new facilities as the new Minister.

**Mr SPEAKER:** Order! I have made this point clear on numerous occasions. I do not accept frivolous points of order. I warn the member under Standing Order 123A.

**Mr QUINN:** It is very nice to receive acknowledgment that there is, in fact, bipartisan support for all of the new facilities that will open at the beginning of the 1999 school year, because that will remove from many people's minds any doubts or reservations about whether the projects will go ahead.

**Mr Hamill:** We don't freeze capital works programs.

**Mr QUINN:** Neither do we. That is evident, because in the capital works budget this year, Education overachieved its budget by some $20m to $30m. One cannot have a freeze and an overachievement. One cannot have both. It is on the record that our capital works program was largely delivered on time. In fact, as I said, Education spent more than its allocation.

**Mr Horan** interjected.

**Mr QUINN:** My ministerial colleague the Minister for Health says that he spent slightly more than his budget allocation as well. One cannot have a freeze and an overachievement. The schools will now move into the planning phase and construction will commence approximately halfway through next year. All should be in order for the opening of those schools at the beginning of the 1999 school year. This is a further example of the Government getting on with the job.

## Goods and Services Tax

**Mr HAMILL:** I refer the Treasurer to Queensland's position paper on national tax reform that she tabled in the House today, which complains that expenditure on goods and services is not adequately taxed, welcomes the Prime Minister's advocacy of a broad-based indirect tax and argues "that reform should produce a more broadly-based, simpler and fairer tax system".

**Mr Borbidge** interjected.

**Mr HAMILL:** Obviously the Premier was not at Cabinet either when this document was being discussed.

**Mr Borbidge:** No, you're misrepresenting. You are up to your tricks again.

**Mr HAMILL:** I inform the Premier that I quoted directly from the document. I ask the Treasurer: as the National Party is now actively debating the introduction of a goods and services tax, does this not mean that she will be working towards the Commonwealth introducing a GST at the national leaders meeting in Canberra on Friday?

**Mrs SHELDON:** I thought that this morning I had very clearly set out exactly what the Government's position was in the paper that has been tabled. It says very little of what the member has said. All we hear is misrepresentation, as usual.

**Mr Hamill:** It says it all there. What's your secret agenda?

**Mrs SHELDON:** The honourable member's third comment was a quote, his other two comments were misrepresentations. For the past few months the Labor Party has been trying—totally unsuccessfully, may I add—to push a claim of some secret coalition agenda on tax reform. There is no secret agenda. We are very open——

**Mr Hamill:** Western Australia's was just in print.

**Mrs SHELDON:** As the member would remember, the Opposition did all that stuff two weeks ago. That was its failed strategy two weeks ago. It did not work then and it will not work now. The Government has no secret agenda for tax reform, but we are very intent on two things: there will be no increased tax burden on any Queenslander and Queensland's needs will be fully covered in any Federal/State tax reform that is put in place.

## ALP TAFE Policy

**Mr WOOLMER:** Can the Minister for Training and Industrial Relations inform the House about the effects that the Labor Party's TAFE policy will have on vocational training in Queensland?

**Mr SANTORO:** I thank the honourable member for Springwood for his very timely question, because it enables me to expose one of the ALP policies that represents an act of absolute hypocrisy, deceit and treachery towards TAFE personnel. I will go through the Labor Party's 10-point TAFE plan to show the Parliament and the people of Queensland what an enormous bunch of hypocrites are sitting on the other side of the House.

The first point is not the best one that I will refer to. It talks about the Labor Party's commitment not to privatise TAFE. The

Opposition sticks it in there, but it is not an issue. It has never been this Government's policy to privatise TAFE and it never will be. All I can say is that, again, Opposition members are trying to scaremonger. They tell Labor lies at every opportunity. Again I go on the record and say that there will be no privatisation.

The most interesting point of the Labor Party's policy I will read into Hansard, because it clearly demonstrates what a bunch of gross hypocrites we have on the other side of the House, particularly the Leader of the Opposition and the shadow Minister. Honourable members opposite who represent electorates within which TAFE colleges are located should listen very carefully, because this policy point was either written on the run with deceit in mind, or it was written in clear recognition that what the coalition Government is doing with TAFE is working. It states—

> "User choice and competitive initiatives will be maintained at January 1998 levels for a three year period to allow TAFE time to adjust without disruption to other providers in the training market."

The Labor Party has stated that all the user choice and competitive policies that this Government has implemented, and that the Opposition has been criticising throughout the length and breadth of Queensland, will be maintained. Not only do Opposition members say that they will be maintained, but they also say that they are going to give me an extra two and a half months, if I want it, to implement more of our policies. As at 1 January 1998, they will maintain our policies intact.

The Labor Party is not saying that what the Government has done is wrong and that the Opposition will repeal it. It says that our policies, as they will exist on 1 January 1998, will be maintained. What a bunch of gross hypocrites! They go out into community, assisted by their union mates, and they pour scorn and ridicule over our policies, yet the second point of their own policy states that they will maintain the Government's policies. Why can they not be honest and say that what the Government has been doing is good and that they are going to keep our policies in place? However, they just scaremonger. They try to pretend to the TAFE people that somehow the Labor Party will relieve them from the policies of the coalition Government, which they know are supported by industry and private training providers. However, they do not have the guts to tell them that. They do not have the guts to tell them that they will keep them in place. They are trying to sneak this into their policy, hoping that nobody picks up on it. Members opposite are hypocrites, frauds and liars. They keep spreading Labor lies at every opportunity.

They talk about a four-year commitment to negotiate key wages and employment conditions centrally for the whole of TAFE. Where have they been over the past six months? At the moment, an enterprise agreement is being voted on with the support of the SPSFQ and the Teachers Union which will be in place for three years. Are they saying that they will overturn that agreement? We have done this. Members opposite do not have to do this. If members opposite ever have the privilege to serve on this side of the House again, in particular the Leader of the Opposition, Mr Beattie, they will not do this; it has already been done. It will be voted on and it will get through with the support of the Government and the two unions. So why has the Opposition put that in there? We have done that. While members opposite talk about what their policy would be in Government, we are implementing it.

The Leader of the Opposition talks about increasing staff development and community involvement in TAFE. When we came to Government, the institute and college councils were moribund—derelict. They were able to exist under the legislation, but because the Labor Party wanted the whole situation run by the bureaucracy and their cronies and wanted no community input, it allowed the community councils to be wound down and to become derelict. We put the community back into the picture in respect of TAFE. We reconstituted the councils. All members opposite are doing is regurgitating coalition policy which has been implemented.

The Leader of the Opposition talks about giving students a say on institute councils. We have a student representative not just on every institute council but also on every college and campus council. Again, the Leader of the Opposition is telling us nothing new. He is not developing policy or being innovative. All he is doing is saying that he will keep what is in place now. He is saying that because what we have in place works. The ideologically and maliciously driven agenda that the Leader of the Opposition has in mind will drive TAFE downwards. I am glad that the member is pointing downwards, because that is precisely what his policy will do to TAFE.

In conclusion, for the sake of all TAFE teachers and staff, and particularly for the sake of members opposite who are

dumbfounded, I will again quote the Leader of the Opposition. He stated that under the Labor Party—

> "User choice and competitive initiatives will be maintained at January 1998 levels for a three year period to allow TAFE time to adjust without disruption to other providers in the training market."

The Leader of the Opposition has endorsed our policy and we are happy with that.

### Australian Hospital Care

**Mrs EDMOND:** I ask the Treasurer: further to the hospital pass that she received over the as yet unbuilt Latrobe regional hospital which she defended overnight saying, "It is possible to estimate efficiency benefits of new hospital design, management and operational procedures", I ask: was she also not aware that while waiting for this shining example of private sector efficiency to be built, the hospital's private operator, Australian Hospital Care, was given the management of the existing Latrobe regional public hospital, and in the 12 months to June 1997 managed to turn a $1.2m operating surplus at the hospital into a $1.6m deficit? Is this the perfect private sector model that her Government is planning for the Noosa and Robina hospitals?

**Mrs SHELDON:** I thank the honourable member for her question. She has misrepresented the facts today in exactly the same way she did yesterday. All the buffoons opposite could do is laugh. As the member would know, the basis of the comparison was the way they had conducted the contract. The formula that was in place for the hospital——

**Mrs EDMOND:** I rise to a point of order.

**Mrs SHELDON:** The member asked the question; I am answering it.

**An Opposition member:** Sit down.

**Mrs SHELDON:** When the member is the Speaker, I will obey him.

**Mr SPEAKER:** Order! There is a point of order. Would the Treasurer resume her seat, please?

**Mrs EDMOND:** What the Minister is saying is incorrect and dishonest. I find it offensive and I ask that it be withdrawn.

**Mr SPEAKER:** Order! There is no point of order.

**Mrs SHELDON:** The problem is that the shadow Minister for Health does not have the foggiest notion of efficiency benchmarking. That is her major problem.

**An Opposition member** interjected.

**Mrs SHELDON:** Would the member like to ask the question; the Health spokesperson did not do too good a job.

**An Opposition member** interjected.

**Mrs SHELDON:** The member sits in a perpetual one, does he not?

The fact of the matter is that we were comparing then, as we are doing now, the ideal contract arrangements between the private sector and the Government.

**Mr Hamill** interjected.

**Mrs SHELDON:** The member's leader went to the infrastructure conference and said that he fully believed in having the private sector involved with the delivery of infrastructure. Yet every time members opposite get the opportunity, they whack any private sector involvement at all, just as the shadow Minister did then.

**An Opposition member** interjected.

**Mrs SHELDON:** Yes, they do. The member would not know.

Yesterday we confirmed with the Victorian Treasury that all the benchmarks we had discussed were in place and delivered; that, currently, the hospital will be completed on time—in fact six weeks ahead of time—and that it will come in under budget. It might be very appropriate if in future the shadow Minister checked her facts instead of trying to make a quick political hit. It would also be very beneficial to the general public if the current writers for the Courier-Mail, one in particular, also checked their facts and put both sides of the story instead of printing the politically biased story that appeared in the Courier-Mail this morning.

### Immunisation

**Mr CARROLL:** I ask the Minister for Health: can he inform us as to whether or not any improvements have been made in the immunisation rate in Queensland for very young children?

**Mr HORAN:** Similar to the way in which my colleagues have been announcing more police and schools, it is a great pleasure to announce how well immunisation is going. All we hear from the rabble opposite are negative, knocking comments.

The No. 1 public health issue in Queensland Health for us has been to put in place a well organised system and targets so that we can achieve real improvements and take a step forward in respect of the number

of young children being immunised. If there is one way in which we can look after young children and make sure that they reach their full potential, and one way in which we can look after young families, it is to see that immunisation rates in Queensland improve.

**Opposition members** interjected.

**Mr HORAN:** Members opposite do not seem to be too interested in the health of young children. However, we on this side of the House are, and that is why we put in place and are endeavouring to achieve publicly acknowledged targets.

The last available immunisation figures for Queensland produced by the Australian Bureau of Statistics in 1990 showed that only 60% of children aged 12 months were fully immunised. I am pleased to say that, under our VIVAS system which records immunisation rates, we have seen an 18% increase, and we now have some 78% of 12-month-old children fully immunised.

We are on track towards our target for the end of this year: we would like to see more than 70% of two-year-olds fully immunised. This has been achieved through a number of strategies, in particular a public awareness campaign. In our 1996-97 budget, seven additional child health nurse positions were put in place and will be spread right around Queensland to coordinate and develop the immunisation campaigns. Cooperation has been received from a large number of local governments. In addition, various general practices have been involved in promoting immunisation awareness.

As to the regional vaccination figures for 12-month-old children—the Queensland Health VIVAS system shows that in the Darling Downs, Brisbane South and areas to the New South Wales border, 82% of 12-month-old children are being fully immunised; 83% are being fully immunised in Rockhampton, Central West, Wide Bay, Brisbane North, and the Sunshine Coast; and in the region from Torres Strait to Mackay, 70% are being immunised. We can certainly see the areas where we need to put in some more effort, some of which are very far-flung districts, in order to improve immunisation rates.

I would like to personally thank all of the staff of Queensland Health, particularly the child health nurses who have been out there promoting immunisation. I encourage all members of this Parliament to get behind this particular campaign. It is very important for Queensland that we get more than 70% of two-year-olds fully immunised by the end of this year. At this stage, we are on target; 78% of 12-month-old children are fully immunised. Once again, the Queensland coalition Government is getting on with the job and is achieving.

## Proserpine Hospital

**Mrs BIRD:** I refer the Minister for Health to yet another delay in the redevelopment of the Proserpine Hospital and to the fact that no progress has been made since the stumps were put in eight weeks ago, and I ask: as this project is already 12 months behind schedule, will he get on with the job and guarantee that the hospital will be finished by the end of this year as promised, or is this north Queensland's version of the non-existent Latrobe regional hospital?

**Mr HORAN:** I thank the honourable member for her question. It is only due to the policy initiatives of this coalition Government that there is even going to be a hospital at Proserpine. No hospital was even planned for Proserpine under the Labor Government hospitals rebuilding program.

**Mrs BIRD:** I rise to a point of order. The Minister is misleading the House. Twelve months of preparation work went into that before he came into Government.

**Mr SPEAKER:** Order! There is no point of order.

**Mr HORAN:** I well remember when I was the Opposition Health spokesperson making the major announcement that we were going to build a new hospital at Proserpine because it was not on the then Government's list. Then the then Government came out a few months later and said, "We might build one, too." Fortunately for the people of Proserpine we got into Government and we acted straight away to start the planning. I will tell honourable members what has happened so far and I will tell them what they can look out for tomorrow morning.

We promised that we would build this hospital at Proserpine. Already, we have done approximately $860,000 worth of work at Proserpine. We have built the new morgue; we have built the new generating plant; and we have built the new central services plant. We have demolished all the buildings.

**Mr Gibbs** interjected.

**Mr SPEAKER:** Order! I warn the member for Bundamba under 123A.

**Mr HORAN:** I was talking about the $860,000-odd worth of work we have done already, including the demolition of the

buildings and the pile-driving to put in the basic foundations. I will tell honourable members why the honourable member asked this question today. She knows that I was at the hospital last Sunday looking around. She knows that the Labor Party was not going to build it and that it was our policy initiative. She also knows that the successful contractor is being announced tomorrow morning. This project is on time; this project is happening. She is so absolutely devastated that all of the work has commenced; all of the foundations are there. Tomorrow morning the announcement of the contractor will be made. She just cannot accept the fact that she was not going to build the hospital when she was in Government, but we are. The people of Proserpine drive by and see the demolition and they know that there is going to be a new allied health area. It is going to be a lovely design.

**Mrs BIRD:** I rise to a point of order. Can I have a clarification from the Minister? Did he say then that the work has commenced and that the contractors will be appointed?

**Mr SPEAKER:** Order! There is no point of order.

**Mr HORAN:** The honourable member thinks she can build a hospital without putting in the central energy plant, without putting in the generators, without putting in the foundations and without actually knocking down the old buildings where the new ones have to be built. Somehow or other she wants to put a mickey mouse thing on top. Not only are we getting a new hospital at Proserpine, to which I think the people of Whitsunday can look forward with great excitement, but they are also looking forward with relish to getting a new member.

### Ministerial Inquiry into Cootharinga

**Mr TANTI:** I ask the Minister for Families, Youth and Community Care: what is the present situation regarding Cootharinga in Townsville?

**Mr LINGARD:** In the last few seconds of question time a week and a half ago, I was asked by the member for South Brisbane about the state of the report on Cootharinga. I was amazed to think that any member of the Opposition would raise this report, because the two people who were criticised or mentioned in the report are the member for Capalaba and the member for Brisbane Central as the two Health Ministers at that particular time. However, we forgot that she was so nakedly ambitious that she would drop that——

**Mr ELDER:** I rise to a point of order. I find those remarks offensive. If I am named in that report, the Minister should table it.

**Mr SPEAKER:** Are you asking for a withdrawal?

**Mr ELDER:** I am asking for a withdrawal.

**Mr SPEAKER:** The honourable member has found the remarks offensive.

**Mr LINGARD:** I withdraw them because he finds them offensive.

**Mr BEATTIE:** I rise to a point of order. I find those remarks untrue and offensive. I ask for them to be withdrawn and I ask for the Minister to table the report.

**Mr LINGARD:** I withdraw them because the member finds them offensive. But the other day I said that it was not a Health Commission report, it was a ministerial report. So what happened? The member for Brisbane Central jumped to his feet and said, "I rise to a point of order. That is not true. I challenge the Minister ..."

Let me respond to that particular challenge. Let me refer to the front page of the report, which I will table because I knew he would start this sort of trick. What does the report say? "Ministerial Inquiry into the Cootharinga Society, Townsville"! Let me say what it says about March 1995 and about the Health Minister. Who was the Health Minister in March 1995? The member for Capalaba was the Health Minister in March 1995. Let me show him how ridiculous he is and how dishonest he was. Let me read directly from the report. The report says—

> "In March 1995"—

when Mr Elder was the Minister—

> "I informed the then Minister for Health of procedural difficulties with the investigation, and advised him that in my opinion the best way to proceed was a ministerial inquiry."

Let me read the next sentence, and everyone should listen to it. It says—

> "The Minister issued a direction to conduct an inquiry ..."

He was the one who issued the directive to do the report. That is why it was a ministerial inquiry. It was a ministerial inquiry—his ministerial inquiry—and he was the one who investigated.

**Mr BEATTIE:** I rise to a point of order. I move that the Minister table the report that he has been referring to.

**Mr SPEAKER:** I understood that the Minister said he would be tabling the report.

**Mr LINGARD:** I have not got the report here. I can only table something that I am referring to. I am referring to this page and I will put it straight on the table.

**Mr BEATTIE:** I rise to a point of order. In his contribution, the Minister has referred to the report repeatedly. I move that under Standing Orders he table the report, and I am happy for that to be later today.

**Mr LINGARD:** I do not have the report here; it cannot be tabled. But I have the front page which shows that the member for Capalaba was the person who ordered the inquiry, a ministerial inquiry, which allowed him, therefore, to stop the inquiry going before the last election.

**Mr BEATTIE:** I rise to a point of order. I move that he table the report no later than 3 p.m. today.

**Mr SPEAKER:** There is no point or order. If the Minister was quoting from the report, the member could ask that it be tabled, and that is correct procedure. But he does not have the report with him. I rule that there is no point of order.

**Mr LINGARD:** So in 1995 the member for Capalaba as the Minister was able to hold that report before it came before the last election.

**Mr J. H. SULLIVAN:** I rise to a point of order. Standing Order 298 specifically requires that a document read or cited may be ordered to be laid upon the table. It is my understanding—and the understanding of all honourable members, I believe—that the Minister has cited the report that the Leader of the Opposition wants tabled, and I believe that the Minister should be ordered to table it.

**Mr SPEAKER:** There is no point of order. I rule that the Minister cannot table an article that he does not have here at the moment.

**Mr LINGARD:** We had a cover-up by the Minister for Health in 1995 so that the report did not get out before the election. Who became the next Minister for Health? Who held the report before the Mundingburra by-election? That was the Leader of the Opposition. He did not want that report out before the Mundingburra by-election. Only one person could have been stupid enough to be so nakedly ambitious as to ask about a report, knowing full well that it was going to do in the Leader of the Opposition and the Deputy Leader of the Opposition.

**Ms BLIGH:** I rise to a point of order. I find the comments made by the Minister to be offensive and untrue. I ask that they be withdrawn. The facts are these: the Minister for Health was required to issue a ministerial directive or the inquiry could not have gone on.

**Mr LINGARD:** The honourable member has something to hide.

**Ms BLIGH:** The Minister is the one who has something to hide.

**Mr SPEAKER:** Order! The honourable member has found the comment offensive and has asked the Minister to withdraw it.

**Mr LINGARD:** Of course it is offensive to her, and I withdraw it.

**Ms BLIGH:** I rise to a point of order. I find the Minister's comments offensive. I seek for them to be withdrawn in a genuine fashion.

**Mr SPEAKER:** Order! The Minister has withdrawn.

**Mr LINGARD:** I withdraw. For the information of the Opposition, I will table this document, which is the front page of the inquiry report. It talks about the ministerial inquiry held in 1995 but which was not let out before the election, and which was certainly not let out before the Mundingburra by-election.

**Mr ELDER:** I rise a point of order. The Minister is misleading the House. The inquiry would not have reached the stage it has without that direction.

**Mr SPEAKER:** Order! There is no point of order.

**Mr LINGARD:** The honourable member said there was no ministerial inquiry, but he was the one who signed the directive that started it.

**Mr ELDER:** I rise to a point of order. I again find the remarks offensive. The Minister knows how it works. If he wants to be here tomorrow when we have the report, we will deal with it. The Minister is responsible.

**Mr LINGARD:** The member hid it before the election and his leader hid it before the Mundingburra by-election. It was a ministerial inquiry and both members tried to hide behind the health inquiry.

**Mr BEATTIE:** I rise to a point of order. The remarks are offensive and untrue. I seek for them to be withdrawn.

**Mr LINGARD:** I withdraw those comments and I table the front page of this report. Let me say this about Cootharinga: I have been to the facilities of Cootharinga at both Townsville and Cairns. My director-general has also been there. I have two program directors there. I

believe that everything that is going on at Cootharinga at the present time is excellent. I have no hesitation in continuing to support Cootharinga; it provides an excellent service. Unfortunately, however, this is what inquiries do to organisations such as Cootharinga. Everyone knew that inquiry was going on. Since 1992-93 it has been very difficult for Cootharinga to get public support. The organisation has not been able to get the money from the public that it should have received. It has also affected funding from the State Government. I say to the Opposition: these inquiries hurt these sorts of people. Sometimes inquiries may have to be undertaken, but they really do hurt. At this stage I repeat that I have no hesitation in continuing to support Cootharinga and the services it provides to North Queensland.

### Thursday Island Hospital

**Mr SCHWARTEN:** My question is directed to the Minister for Health. I refer to reports from Thursday Island that Queensland Health project officer Paul Grava has established almost exclusive purchasing practices with a store called Sonja's Cane and Decor for all furniture and fittings for the new Thursday Island Hospital. I ask: is it not a fact that this store is owned by Mr Grava's wife, Sonja Grava, and is this an example of the competitive tendering process that the Minister encourages in the Queensland Health Department?

**Mr HORAN:** I thank the honourable member for his question. With the mass of capital works programs that we have right across the length and breadth of Queensland it would be very obvious that I do not know the details of every little transaction that has occurred. I will certainly take note of the matters that the honourable member has raised and I will have the matters investigated immediately.

### Super Stadium Site

**Mr J. N. GOSS:** I direct my question to the Premier. I refer to criticism of the State Government's plan to seek expressions of interest from the private sector to build and operate a super stadium on the old airport site. I ask the Premier: will he detail to the House some unexpected support for this concept?

**Mr BORBIDGE:** In reply to the member for Aspley—I was rather surprised this morning that the Leader of the Opposition and the Deputy Leader of the Opposition did not charge into this place in full and active support of the Lord Mayor of Brisbane, as the member for Ashgrove and others would have obviously wanted them to do. However, I was perusing the parliamentary Notice Paper and I noticed question on notice No. 1194 asked of the Premier by the member for Woodridge, Mr D'Arcy. The question read—

> "With reference to Cabinet endorsement of the old Brisbane airport site at Eagle Farm as the site of a new sport stadium, a decision I personally support because of its important strategic transport position in South-East Queensland's future"—

I take this opportunity to place on record my appreciation of the visionary approach of the honourable member for Woodridge on this particular issue, as distinct from the comments made by the Lord Mayor of Brisbane. On many occasions the member for Woodridge has demonstrated a degree of independence from his political party. I welcome his support in principle. I assure the member for Woodridge that I will be replying to those elements of his question on which he is seeking further clarification.

Again on this issue we have seen no leadership from the Leader of the Opposition. We have seen no leadership from the Deputy Leader of the Opposition. We have seen no indication of support from either of them for the Lord Mayor's position. I again place on record my appreciation of at least one member of the Labor Party who has the courage to openly and publicly admit on the parliamentary record his support for the Government's decision to call for expressions of interest for the super stadium proposal at the old Brisbane airport.

### Unmet Needs

**Ms BLIGH:** My question is directed to the Minister for Families, Youth and Community Care. I refer to the Minister's interview on ABC Radio on 17 October during which, while speaking about services for people with a disability—Mr Speaker, you will have to bear with me; it is classic Kevspeak—he said—

> "I have been very emphatic that that is my next program now starting before Christmas in building purpose-built respite centres so that people dealing with people with a disability can bring those people out."

I ask: how does the Minister propose to start building new respite centres before Christmas

when there is no money for respite centres in this year's Budget?

**Mr LINGARD:** I will release documents very soon to all those people involved in Unmet Needs to show that this Government has spent $530m on assistance to people with disabilities, whether they be people in institutions or people out in the community. The difficulty with the Opposition, and the difficulty with many of the advocacy groups, is that they are still running with the policy of 100% deinstitutionalisation. They want all people with disabilities to be out in the community. The honourable member does not want to see any sort of institutionalisation. Of course, it relies on the member's interpretation of what is an institution. The member refers to a home which has only four people in it as a mini-institution. I have said continually that I will not adopt the policy of 100% deinstitutionalisation; nor will I adopt the policy—and I have many of my own supporters—of leaving all people in centres. I disagree with that policy as much as I disagree with the policy of 100% deinstitutionalisation. I have said that under our Government people will have a choice as to whether they wish to stay in a centre or whether they go into a community centre.

**Mr FOURAS:** I rise to a point of order. The Minister is misleading the House. For the first time ever there is no funding this year for disability—

**Mr SPEAKER:** Order! There is no point of order.

**Mr LINGARD:** In the last funding round, $17.2m was allocated to cater for those young children who are coming out of the special schools rather than putting them back in homes. This is part of Unmet Needs as well. This will offer these young people two years of transition during which they will be involved in programs to assist them in going out into the community.

**Ms BLIGH:** I rise to a point of order. I seek some clarification from the Minister. Is he in fact confirming that there will be no respite centres before Christmas?

**Mr DEPUTY SPEAKER** (Mr Laming): Order! There is no point of order.

**Mr LINGARD:** I have always said that once we finish with the Moving Ahead Program we will continue the deinstitutionalisation program.

**Ms Bligh** interjected.

**Mr DEPUTY SPEAKER:** Order! The member for South Brisbane will cease interjecting.

**Mr LINGARD:** Challinor is going very well. Basil Stafford is virtually completed. The Maryborough Centre for the Disabled is completely finished, as are Sir Leslie Wilson and Hervey Bay. The next things that start are the respite centres. But the member disagrees with any constructions of brick and mortar, such as respite centres. I have said continually that the next step now is the construction and use of respite centres, where people who are now living with their families can enjoy the assistance that a respite centre can give, not only to those people who are disabled but also to those people who are providing care, who also need respite. That is what these respite centres will do. But the member continues to oppose respite centres. She continues to oppose anything that might be regarded as a mini-institution. The member continues to disregard any community centre in which three or four people are living and says that is something that she does not want. $530m has been spent by this Government on assistance to people with a disability.

## PETROLEUM AND GAS LEGISLATION AMENDMENT BILL

**Hon. T. J. G. GILMORE** (Tablelands—Minister for Mines and Energy) (11.31 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Petroleum Act 1923, the Petroleum (Submerged Lands) Act 1982 and the Gas Act 1965."

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. T. J. G. GILMORE** (Tablelands—Minister for Mines and Energy) (11.32 a.m.): I move—

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

Members will be aware of the important and growing role of gas to the Queensland energy sector, as well as the major pro-competitive reforms being implemented in the gas industry bringing benefits to the economy and wider choice for consumers. The amendments in the Bill are designed to facilitate gas pipeline developments in the State and the effective administration of open-access arrangements, including the transition

to the proposed National Gas Access Code. The amendments also allow for effective regulation of gas charges to franchise customers should circumstances warrant Government intervention.

The House will be aware of the proposal being sponsored by Chevron Asiatic Limited and others for the development of a natural gas pipeline from the highlands of Papua New Guinea through the Torres Strait to Townsville and Gladstone for the purpose of transporting a supply of Papua New Guinea gas to Queensland. It is proposed that the PNG to Queensland pipeline will be licensed under the Petroleum Act of 1923, the Petroleum (Submerged Lands) Act of 1982 and the Commonwealth's Petroleum (Submerged Lands) Act of 1967. The Bill makes provision for access principles for the pipeline to be approved under the Petroleum Act of 1923 for application within Queensland as well as in Queensland offshore areas. Access principles set the terms and conditions including tariffs for third-party users of a facility.

Some specific amendments to both the Petroleum Act of 1923 and the Petroleum (Submerged Lands) Act 1982 (Qld) will facilitate this. Section 70A of the Petroleum Act of 1923 empowers the Minister for Mines and Energy to agree with the applicant for a pipeline licence about the access principles to be approved for the pipeline and other matters. Before making these agreements, the Minister must be satisfied that a suitable competitive selection process has been completed for the grant of a pipeline licence. Chevron is in the process of selecting a developer of the proposed PNG to Queensland pipeline. The Bill makes provision for the process being employed to be recognised as the use of a competitive selection process unless the Minister is ultimately not satisfied that a sound competitive process was followed. As the process has already commenced, this provision will operate prospectively and, to a limited extent, retrospectively.

The Bill also makes provision for access principles to be approved for application to an extension of an existing pipeline without opening up to review the original access principles for the existing pipeline. This will enable an entire pipeline system under one company's ownership to be covered by a single pipeline licence with an integrated set of access principles, thereby assisting pipeline users in understanding access arrangements as well as simplifying administration and management for the pipeline operator. It is expected that pipeline operators will wish to also take advantage of these provisions when extending their pipelines in the near future. To ensure consistency with the current requirements about access principles, the access principles will only be able to be applied to an extension of a pipeline if the Minister has considered the matters normally considered in approving access principles that the Minister considers relevant to the extension.

The Bill also amends the Petroleum Act of 1923 to enable access principles to be amended if the amendment does not adversely affect the facility owner, users or potential users in a material way, without opening up to review the access principles. This provision will have limited application and, it is envisaged, will be used mainly to enhance the presentation of existing access principles, and particularly to allow for redrafting of the access principles as appropriate to the expected transition to the proposed National Gas Access Code. The Bill also incorporates a number of minor but important changes to the Petroleum Act of 1923 to facilitate the effective administration of open-access arrangements for pipelines and to improve the legislation.

The Petroleum (Submerged Lands) Act 1982 is being amended to ensure that petroleum pipelines originating from outside Australia come within the scope of the Act and also to ensure that changes to the territorial sea baseline do not impact on any pipeline licence granted within Commonwealth or Queensland offshore areas. The Petroleum (Submerged Lands) Act of 1967 (Commonwealth) has recently been amended along similar lines. This amendment will apply to the proposed Chevron Papua New Guinea to Queensland gas pipeline and to any other pipeline originating from outside Australia.

The Bill amends the Gas Act 1965 in relation to fees and charges imposed by gas franchisees incidental to the supply of gas. Legal advice to my department has raised doubts about the validity of certain fees, charges and, in some instances, security deposits imposed on customers by gas franchisees. In contrast, at least one franchisee has legal advice that such fees, etc., are legally valid. The fees, charges and security deposits have been levied by the franchisees, in some cases for many years, in good faith and on the understanding that there was authority to levy them. In view of the

conflicting legal advice, the Bill puts beyond doubt the validity of those fees, charges and deposits. This will operate both retrospectively and for the future.

The Government is mindful of the concerns of the parliamentary Scrutiny of Legislation Committee regarding the retrospective application of legislation. However, in this case the retrospective application only applies to preserve the accepted practices over many years, to remove doubts about their possible invalidity, and will not impose new obligations on gas customers or franchisees. The Bill also extends the regulation-making powers in the Gas Act of 1965 to cover fees, charges and deposits incidental to the supply of gas so that appropriate and effective regulatory control can be exercised over such fees if circumstances warrant it.

Section 43 of the Gas Act of 1965, which prohibits the making of certain contracts for the supply of gas without Governor in Council approval, has been identified as being potentially anti-competitive and a barrier to free and fair trade. As part of the 1994 COAG agreement on free and fair trade in gas, this section is being repealed. The repeal will not adversely impact on the sufficiency of gas supplies to meet demand in Queensland, because of the existing gas reserves and ongoing development.

The Bill also makes a number of minor amendments to the Petroleum Act of 1923, the Petroleum (Submerged Lands) Act of 1982 and the Gas Act of 1965 of an editorial nature either for consequential cross-reference changes or with a view to tidying up the Acts consistent with present drafting standards. I commend the Bill to the House.

Debate, on motion of Mr McGrady, adjourned.

## EDUCATION AND OTHER LEGISLATION AMENDMENT BILL

**Hon. R. J. QUINN** (Merrimac—Minister for Education) (11.39 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend legislation about education, and for other purposes."

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. R. J. QUINN** (Merrimac—Minister for Education) (11.40 a.m.): I move—

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

I am privileged to be introducing into this House today a Bill that will improve school management with more decisions made at the school level which will lead to improved student learning outcomes, and will improve significantly the protection and welfare of Queensland school children, particularly with regard to paedophilia.

There are several primary policy objectives of the Bill. First, the Bill provides for the establishment and operation of school councils for certain State schools. The operation of a school council will enable the community to be involved in deciding the broad strategic direction of the school. Second, the Bill sets up a school management regime that is more school based in so far as the Education (General Provisions) Act 1989 is concerned. These two major initiatives build on a long-term trend to devolve more responsibility to local school communities. Third, the Bill regulates the allocation of semesters of State education available to students. Also, the Bill extends the powers available to the Board of Teacher Registration. This initiative will afford better protection of, and enhance the welfare of, Queensland school children, particularly in connection with paedophilia.

Finally, the Bill improves the way parents and citizens associations operate in so far as the Education (General Provisions) Act 1989 is concerned. The Bill puts into place many of the innovations sought by parents and citizens associations over many years. Doubtless, honourable members will appreciate—as I do—that parents and citizens associations are vital to the operations of State schools, and will share my pleasure in advancing the reforms that the associations themselves have been seeking for some time.

Honourable members will immediately realise that the Bill has many benefits for Queenslanders, especially young Queensland students, not the least of which are—

> improved school management leading to improved student learning outcomes as a result of greater decision-making powers at the school level;
>
> improved partnership arrangements within school communities;

more socially just treatment of all students, disabled and non-disabled, in their access to State education; and

improvements in the protection and welfare of children, and, enhanced public assurance for the protection and welfare of those children, particularly with regard to paedophilia.

The legislation before the Parliament heralds a significant change in the management of State schools by devolving more responsibility to local school communities through the establishment of school councils and by the introduction of a school management regime that is more school centred. The provisions in the Bill about school councils follow on from the Leading Schools—School Councils: Draft for Consultation Discussion Paper prepared for extended community consultation. From 1 April 1997 to 20 June 1997, the discussion paper was circulated widely for public consultation and submissions. After analysis of some 1,150 responses, final recommendations were made to the Director-General of Education by a School Council Reference Group chaired by Associate Professor Frank Crowther of the School Leadership Institute, University of Southern Queensland.

I want to take the opportunity now to thank the many peak bodies, teachers, students and other interested community members who provided comments and responses to the discussion paper, and I would like to thank, too, Associate Professor Crowther and the other members of the School Council Reference Group for their very difficult task of analysing responses and providing recommendations.

I wish now to draw to the attention of honourable members several features of the Bill in relation to school councils. On the matter of the establishment mechanism for school councils, the Bill provides the Director-General of Education with discretionary power to establish a school council for a State school. The Bill permits the establishment of school councils in respect of State primary and secondary schools, schools of distance education and special schools.

In terms of the functions of school councils, the Bill provides that the functions are confined to—

monitoring the school's strategic direction;

approving plans and school policies of a strategic nature, and other documents affecting strategic matters, including the annual estimate of revenue and expenditure for the school;

monitoring the implementation of the plans, school policies and other documents that I just mentioned; and

advising the principal about strategic matters.

A main purpose of the school council reforms is to give the community served by the school a meaningful say in the strategic direction that the school is to take. The functions assigned to school councils under the Bill are strategic in character; they are not concerned with, for example, the day-to-day operations of the school. These day-to-day operations remain the responsibility of the school's principal. This distinction is an important one and is evidenced by, amongst other things, the management of the school's funds. A school council will not be authorised to have control of funds as it is intended that school finances will remain at all times under the authority of the Department of Education, through the school principal, under the Financial Administration and Audit Act 1977. The implementation, therefore, of any plan, school policy or other document approved by the school council will be contingent upon, amongst other things, the availability of departmental funding. By way of two specific examples, the annual estimate of revenue and expenditure for a particular school—which may be described as the school budget—approved by the relevant school council is to be subject to the availability of departmental funding and confirmation by the principal's supervisor, and, capital works activities at the school are to be subject to the physical assets strategic planning of the department.

The Bill provides for the following membership arrangements for school councils—

the school's principal;

if the school for which the school council is formed has a parents and citizens association—the president (or an alternative association member appointed by the president);

elected parent members;

elected staff members;

if the school for which the school council is formed has Year 10, 11 or 12 programs—elected student members; and

a maximum of two members appointed by the school council.

So that the membership of school councils is not so small or large as to interfere with or inhibit the decision-making process, the Bill regulates the number of members from at least six to no more than 15. The appointed member category of membership is designed for flexibility and utility, to allow, for example, representation on a school council of stakeholder groups unique to that particular school. There will be equal numbers of elected staff and parent members. Still, there will be a maximum of 15 members.

To allow as much versatility as possible to take account of the wide range of different school communities, the approved constitution for a school council will specify the exact number of members of that particular school council. The constitution is to provide further detail about how a school council is organised and how it will operate. Before establishing a school council, and after taking account of the director-general's model constitution, the principal of the school concerned is required to submit a draft constitution of the proposed school council for the director-general's approval. The Bill places an obligation on the principal when preparing a draft constitution to consult with the school's parents, staff and students, and with other appropriate entities. This arrangement will ensure that the wider school community is involved in the school council's organisation and operation.

While school councils will be vital in extending school-centred responsibility and accountability, the Education (General Provisions) Act 1989—that is the main Act governing the operation of the department's State educational institutions—requires amending to facilitate the setting up of a school-management regime that is more community centred.

I wish now to emphasise for the House several features of the Bill in relation to the school-management regime. In a number of instances, the Bill removes the present requirement for a regulation to be made about certain matters. The current requirements to which I refer are more appropriately located with the Minister for Education or the Director-General of Education. The requirement to have subordinate legislation in those cases is unnecessarily restrictive.

The Bill removes the requirement that the Minister is only able to establish and conduct centres for the support and development of teachers and other officers of the department, student hostels and certain other State educational institutions, upon the approval of guidelines by the Governor in Council. On passage of the Bill, therefore, for the future, the Minister is to be authorised to establish these types of places and to decide how they are administered, managed and operated.

The Bill removes the requirement also that any conditions for the use of a State educational institution are to be prescribed by subordinate legislation in the form of regulations, and, for the future, authorises the Minister—or an officer authorised by the Minister—to be able to set any conditions for the use of State educational institutions. This change, in terms of practical day-to-day management of the department's schools makes good commonsense. These and other school-based management changes contained in the Bill are paramount in devolving more management responsibility to principals and local school communities.

With regard to the allocation of semesters of State education, honourable members will observe how the provision of education by the State is now to be undertaken on a basis which is fair to all students. The Bill removes the age-based trigger for the cessation of special education to students with a disability and introduces a scheme which allocates semesters of State education to all students enrolling in State schools. In this regard, the amendments are the first of their type in this country, moving away from an age-based criterion as the basis for an end point to schooling, to one that provides an entitlement to an allocation of schooling time.

A student beginning school in Year 1 in a State school will have an allocation of 24 semesters of State education. A student enrolling in a State school at a stage of his or her education after Year 1 will receive an allocation of semesters of State education decided by the principal. The principal will make this decision upon consideration of such factors as the student's age, ability and aptitude, and the need to promote continuity of the student's learning experiences.

At the end of each school year, a student will be notified about the number of semesters of State education remaining from his or her allocation. If a student expends the allocation yet wishes to continue in State education, the Bill allows for the granting of up to four extra semesters by the principal and, beyond that, of up to two further semesters by the director-general. This new scheme brings certainty and equity to the provision of school education by the State. All students will receive an allocation and, if necessary, be granted semesters beyond their allocation on the same considerations. There remains no inequitable

division between students receiving special education and those who are not.

I turn now to the amendments made by the Bill to the Education (Teacher Registration) Act 1988, which effect changes to the powers of, and the information available to, the Board of Teacher Registration. The board is responsible for teacher registration in Queensland and for conducting inquiries into registered teachers whose behaviour calls the continuation of registration into question. While I have every confidence in both the operation of the board and the ability and character of the vast majority of teachers in this State, the Bill amends the Education (Teacher Registration) Act 1988 to introduce more rigorous procedures for ensuring that those registered as teachers are people who present no danger to their students. Honourable members will agree that this is of paramount importance.

It is expected that 1998 will see some 5,000 people apply for registration as teachers. All applicants must satisfy the board that they are of good character. The amended Act will require the board to take into account the criminal history of each applicant for teacher registration in assessing the applicant's character. The Commissioner of Police will be obliged to comply with the board's request to provide it with an applicant's criminal history. In circumstances where an applicant is from outside of the State and unlikely to be recorded on a Queensland Police Service database, the board may ask the applicant to supply a recent criminal history for the purposes of assessing the applicant's character. All applicants for registration, whether registering for the first time or reregistering after a lapse in registration, will be subject to these provisions from the commencement of the amended Act.

Once registered, a teacher is subject to a statutory obligation to notify the board of his or her conviction upon an indictable offence, of the cancellation or suspension of his or her interstate registration, and of the termination of his or her interstate employment due to incompetence or unfitness to be employed as a teacher. At present, the penalty imposed upon a teacher for failure to comply with that obligation is two penalty units, or $150. The amendments increase the penalty to 10 penalty units, or $750. The increase indicates the seriousness with which those events is regarded by the board and the gravity of the duty upon teachers to notify the board of their occurrence.

The amendments also place obligations on other agencies to provide the board with certain information about registered teachers. Employing authorities will now have a duty to notify the board of a teacher's dismissal or resignation when that comes within six months of the employing authority giving the teacher written notice that it is dissatisfied with the teacher after investigating a sexual allegation.

A sexual allegation is defined as an allegation that a registered teacher has committed a sexual offence or has engaged in conduct of a sexual nature with a student or child, whether in the teacher's capacity as a teacher or otherwise, and the conduct does not satisfy a standard of behaviour generally expected of a teacher. This definition is tied to the notion of good conduct for registration.

The Commissioner of Police and the Director of Public Prosecutions, as prosecuting authorities, will now have a duty to notify the board that a person whom the prosecuting authority believes on reasonable grounds is, or was, a registered teacher has been committed for trial upon an indictable offence. The prosecuting authority will also be obliged to notify the board of the outcome of any superior court proceedings. The information received from these agencies will allow the board to decide whether grounds exist for it to conduct an inquiry into the registration of the teacher concerned. All registered teachers will be subject to these provisions from the commencement of the amended Act. The obvious advantage to be gained from the introduction of these measures is that the board will be in a far better position to monitor the appropriateness of a person to be employed as a teacher in Queensland schools, both at the time of registration and beyond.

I reiterate that I recognise and applaud the professionalism of Queensland teachers. The amendments to the Education (Teacher Registration) Act 1988 are intended to help ensure that professional standards are maintained and to protect our students from a very few unscrupulous individuals.

On the matter of the operations of parents and citizens associations, the Bill improves the way those associations function in so far as the Education (General Provisions) Act 1989 is concerned. Of course, the unique and important role of parents and citizens associations is preserved in the Bill. Their role is not lessened in any way by the Bill's adjustments to the way they conduct their business, or by introducing the ability to create school councils. In many respects, their role is

enhanced by school councils as any parent representatives on councils will be elected by the association in question from amongst its members. Parents and citizens associations will retain their place in the school setting. The Bill provides for several enhancements that will give, amongst other things, more flexibility to those associations.

The Bill includes a new category of membership, that of honorary life member. This honour will be able to be given by an association to a member or former member who has given long and meritorious service to the association in question. That recognition, available in many other community organisations, has not been possible in the past.

Under the reforms contained in the Bill is the addition of the option for an association to choose the period of 12 months ending 30 June for the association's financial year. The amendment will allow even greater flexibility for associations to make their own decisions about how they will operate their financial arrangements, whilst still maintaining the present levels of accountability. Currently, an association is able to choose only the period of 12 months ending either 31 December or 30 September.

The legislation currently regulating parents and citizens associations is silent on conflict of interest and association members. The Bill provides for procedures for disclosure of direct or indirect financial interest by a member of an association, or the executive committee or a subcommittee of the association. This will help to ensure that conflict of interest does not occur when an association, or any committee, makes decisions. As this House will appreciate, some decisions of associations relate to financial matters, for example, the supply of products and services. The new provisions about disclosure of financial interest will assist the association and its members to maintain their integrity within the community.

The enhancements also include provisions for removing a member from an association or removing an officer of an association from office or from the association, or both. The Bill details the grounds for removal and the rights of appeal given to the individual in question. Any appeals to an association's decision to remove are to be made to the Minister with a further right of appeal to a Magistrates Court. These enhancements are set up in a balanced way that enables a parents and citizens association to operate free from a member who is, for instance, convicted of an indictable offence or who, without reasonable excuse, contravenes the Act or the association's constitution whilst at the same time protecting the rights of a removed member or officer.

Throughout I have referred honourable members to the benefits that will accrue to Queensland students and schools as a direct result of the implementation of the initiatives set out in this Bill. These are notable benefits and are both important and significant for the way in which they will shape the future delivery of quality education in this State. They build upon other reforms such as the recent July commencement of the Leading Schools program, the new services structure for the department based on the planned January 1998 amalgamation of current regional offices and school support centres into district centres with responsibility for a much smaller number of schools than currently exists, and the recent introduction of a new Education Queensland corporate identity for the department. I look forward to the initiatives contained in this Bill making a distinctive contribution to education in Queensland. These are vital reforms in which all Queenslanders have a stake. I commend the Bill to the House.

Debate, on motion of Mr Bredhauer, adjourned.

## GLADSTONE POWER STATION AGREEMENT AMENDMENT BILL

### Second Reading

Resumed from 8 October (see p. 3691).

**Mr BEATTIE** (Brisbane Central—Leader of the Opposition) (11.58 a.m.): I welcome the opportunity to speak to this Bill as it deals with one of the most important sectors influencing the State's economic development over the next decade. It is also an industry where there are significant opportunities for us to go offshore, including to Indonesia, China and a string of other near neighbours, to make money for this State. Labor has consistently maintained its support for a competitive national market in electricity. Accordingly, it will support this Bill.

Last week in Mount Isa, while I was on a two-day visit to the area to attend some ceremonies in relation to the Ernest Henry mine and Century Zinc, the member for Mount Isa, Tony McGrady, and I launched Labor's New Directions statement on minerals and energy. For the information of the House, later in my speech I will take the opportunity to talk in some detail about the Queensland Labor

Party's policy on electricity and how it relates to this Bill.

Labor needs to identify an alternative vision for electricity because in many respects this Government has got things wrong. It has tried to be everything to everyone. The result is a patchwork industry structure that will increase the cost of generation in State-owned power stations, expose domestic consumers in some regions to higher electricity prices once the price cap disappears in four years' time, delay the interconnection with the national grid for three years and add more than $100m to its cost, and add more than $100m to its total cost. Of course, that was one of those Borbidge Government backflips. In Opposition, the then Opposition Leader, Mr Borbidge, said that he would not be linking into the national grid. Of course, when the coalition came to Government there was a backflip and that decision was changed.

My concern about this Government's approach to the industry is based on other matters as well. For example, it will create a bureaucratic nightmare with 14 separate Government owned corporations looking after different parts of the industry. Where else in the world can one find an industry structure like that? It will also demolish the chance for Queensland to lead the way into Asian energy markets through the export of our technology know-how, which is very important. How much would one expect to pay for this disastrous outcome? I would not expect to pay 10c, but the Borbidge Government seems to think that $10m in consultancy fees is not too high a price to pay. That is not bad if one is in consultancy!

By contrast, Labor will take a clear and principled position on the future structure of Queensland's electricity industry. Labor supports competitive national energy markets to provide low-cost energy to Queensland, because we know how essential electricity is to development in this State. Labor will welcome private-sector involvement in new electricity generation, but we will not privatise assets currently owned by the State. It will be a partnership between the Government and the public in one sense and the private sector in the other to do things that are of mutual benefit to the taxpayers of this State and to the private sector involved.

Labor is committed to the provision of a base load power station in the north of the State and will establish a competitive tendering system to bring about this important development.

**Mr Tanti:** When?

**Mr BEATTIE:** I have made it absolutely clear that, unlike the Minister, we have a commitment to Townsville in terms of a base load power station. I am delighted to hear the member for Mundingburra supporting the Labor Opposition on this issue, because we are committed to Townsville and this Government is not. I thank him for that interjection, which was an important one. I urge him to take his views to the Minister, because he should join with me in making certain that Townsville gets a fair go under this Government. It has not got a fair go to date. I urge him to not only interject on me, but also to go to the Minister and take up that point.

**Mr McGrady:** No-one listens to him.

**Mr BEATTIE:** I know that no-one listens to him, but he should take up that point with the Minister.

**Mr TANTI:** I rise to a point of order. I have already gone to the Minister. It is well in hand.

**Mr McGrady:** That's why we say that no-one listens to you.

**Mr BEATTIE:** Yes, it is another backflip, because no-one listens. That is part of the difficulty. I am on the public record indicating that there will be a Townsville base load power station.

**A Government member** interjected.

**Mr BEATTIE:** Indeed the Minister has not confirmed that, so the honourable member has, in fact, misled the House. The Minister is not on the public record confirming that, but he has the opportunity to do so today. The member for Mundingburra has said that the matter is well in hand. He has put the Minister right in the soup. Today the Minister has the opportunity to say that Townsville will be the spot. If the Minister does not say that today, the honourable member has misled the House. Will the Minister be naming Townsville today?

**Mr Gilmore:** I accept the challenge.

**Mr BEATTIE:** That is good. The Minister will say that it will be in Townsville. I look forward to reading the record of this Parliament to see the Minister state that the base load power station will be located in Townsville. If he does not do that, I assure the member for Mundingburra that I will be pointing out how effective he is.

**Mr McGrady** interjected.

**Mr BEATTIE:** I know, but one would expect him to be in that position because he has no contribution to make in this House.

Labor will overturn the artificial separation of AUSTA Electric into four companies and reamalgamate State generation assets. Labor will retain Powerlink as a Government owned corporation, maintaining its natural monopoly over transmission lines. The regional retail distribution systems will be returned to their original 1995 structures and retained in public ownership.

Labor is committed to maintaining tariff equalisation to ensure that regional Queensland is not disadvantaged. The shadow Minister, soon to be Minister for Mines and Energy and the Minister for Regional Development, is totally committed to that tariff equalisation scheme. Labor will actively support the development of alternative energy sources to reduce the amount of greenhouse gas emissions for any given level of output. Labor will determine employment levels in the industry not on the basis of penny pinching but on the basis of how the functions of the industry can be undertaken effectively, efficiently and safely. Many of these positions will be well known to members of this House, because we have taken a consistent position on electricity at all times, not like the backflips performed by this Government.

I know that in referring to the reamalgamation of AUSTA, the Minister for Mines and Energy has told the House that we "simply could not do it" because it would create a monopoly and force prices up, it would breach the National Competition Policy and it would breach the Trade Practices Act. I will deal with those issues one by one.

Firstly, a monopoly exists where there is only one source of supply. A reamalgamated AUSTA would represent some 70% to 80% of the market, with five private generating companies and a range of co-generation sites making up the remainder. Members should bear in mind that that statement has to be considered in light of the partnership I have talked about between the public and private sector that will happen under my Government. With the impending interconnection with the national grid and our stated commitment to the private development of a base load power station in the north, one can only describe the Queensland market as contestable and increasingly competitive. There is no scope for the exercise of monopoly pricing behaviour. To the extent that AUSTA does exhibit any market power due to its size, we would ensure that it is subject to the scrutiny of the Queensland Competition Authority, an organisation that we established. Prices would not rise under this model. In fact, reamalgamation would reverse the ridiculous situation where economies of scale are being sacrificed upon the false altar of competition, forcing a 5% to 10% increase in generation costs.

**Mr Gilmore** interjected.

**Mr BEATTIE:** The Minister should be patient. I am about to explain all to the Minister and he will learn from the experience. When he leaves this Chamber, he will be a better person for it.

**Mr Gilmore:** You won't take an interjection, will you?

**Mr BEATTIE:** The Minister should just be patient and listen. He is like Manuel up the back, who interjects at the drop of a hat. If the Minister is patient, his time will come.

It is worth noting that since Labor introduced its reforms in 1994, there have been no price increases for domestic consumers, and commercial and industrial customers have enjoyed an 11% nominal reduction in pricing, a policy pursued by the former Minister who is soon to be the Minister again. Even before those real reductions in power prices, Queensland already had the lowest power prices in the nation. Therefore, we did not and we do not need to go down the road taken by Jeff Kennett, who sold off the family farm and the family silver by selling the Victorian power industry to Westinghouse. The Westinghouse board in New York will now make decisions about the power industry in Victoria. In the long term, that will lead to increased prices and job reductions, even among the maintenance staff who will work on a fly in, fly out basis. It will be a disaster for Victoria in the long term.

Even before those real reductions in power prices, Queensland already had the lowest power prices in the nation. Can the Borbidge Government promise that its so-called reform program will match the price reductions achieved by Labor? That is the question that the Minister should answer.

Secondly, the Minister claims that the National Competition Policy requires participating jurisdictions to restructure public monopolies. Any restructuring required under the NCP was well under way as a result of the previous Labor Government's policy of corporatisation, which the Minister pursued. Beyond that, clause 4(1) of the Competition Principles Agreement states that we are "... free to determine our own agenda for the reform of public monopolies". Our policy of reamalgamation would not threaten competition payments to the State.

I should say that the policy of the previous Opposition, now the Government, in opposing the national grid threatened competition payments to the State to the tune of $750m. That is why the Minister did another of those "Borbidge backflips". Instead of having Eastlink, we had Westlink 100 miles down the road. It is the same thing, except that the Minister did a big "Borbidge backflip".

As the Minister himself described in Parliament, section 50 "prohibits the acquisition of assets where this would lead to a substantial lessening of competition ..." We would not need to acquire any assets, because we already own them. How could section 50 be brought into play? Besides, reamalgamation would not lessen competition, because the splitting of AUSTA would not increase it in any meaningful sense. I think private participants in the market would find it hard to believe that three companies owned by the same shareholder would be actively working against each other's interests. That is what we repeatedly get from the boardrooms of this city and State.

Minister Gilmore scores none out of three in his opposition to what I have said. Indeed, his argument is a complete failure, just as he is. His approach to this industry indicates that he is an economic vandal. After all, it was the Minister himself who told ABC radio listeners around the State—

"... we have just taken apart"—

the industry—

"pulled the guts out of it, turned it over ..."

I totally agree with the Minister; that is exactly what he did. He has been hoodwinked by his highly paid consultant advisers—$10m—into thinking that he is leading the charge for micro-economic reform. All he is doing is leading the State backwards. All he has done is set up the electricity industry for privatisation. That is what he has done. Why else would the Government reform an industry that the Minister's task force described as having "the highest technical efficiency in Australia" and which is a great industry providing services across the State and in the regions to country people? I would have thought the Minister's party and my party would have had that in common. Forget about the Liberals; they do not have representatives outside the south-east corner of any significance.

**Mr Tanti** interjected.

**Mr BEATTIE:** I said "of significance". I thank the member for the interjection; I knew he would bite. The Liberal Party does not care about the people in provincial cities and in the bush, but we do.

**Ms WARWICK:** I rise to a point of order. I find that remark offensive. I certainly represent the people in my electorate. I ask that that comment be withdrawn.

**Mr BEATTIE:** I stand by my comment "of significance", but I withdraw in the interests of harmony so as to continue with my speech. Everyone in this House knows what "of significance" means.

**Mr McGrady** interjected.

**Mr BEATTIE:** Indeed, the member for Barron River will be here for the short term. I trust that she will enjoy the next eight months.

Why else would the Government reduce the efficiency of up to 18% of the generating capacity in the State?

**Mr FitzGerald** interjected.

**Mr BEATTIE:** As the Leader of Government Business knows, after members lose their seats they have a period in which to finalise their affairs. I was being generous.

**Mr FitzGerald** interjected.

**Mr BEATTIE:** The Leader of Government Business understands the Standing Orders; people have extra flights to clear their desks. I was being kind. Mr Deputy Speaker, as you know, the Government is a rabble. I am being provoked.

Why else would the Government risk the wrath of its nervous backbenchers who are trying to understand why more than 2,000 of their constituents are about to lose their jobs? The answer is privatisation; they want to flog it off and pocket the proceeds. For months now, consultants have been queuing up along George Street seeking meetings with the Government to promote their lucrative privatisation services. That is what has been happening. We know about that, because they ask to see us as well. With the Parliament being in the position it is—44, 44, 1—they come to see us at the same time as they see the Government.

**Mr McGrady** interjected.

**Mr BEATTIE:** Often it is before. That is happening today. They are doing that because they know that this Government has a very limited lifespan. They come to see us. We know what the agenda is. Out of courtesy we give them a hearing and tell them that we are not interested in selling out the State as Jeff Kennett has done. However, I wonder what the Government is telling them. It is probably saying something like, "Gee, we

would like to, but we just can't convince Liz or the Opposition. Give us another year and we will get back to you when the election is over." I acknowledge and recognise that the position of the honourable member for Gladstone on this matter is very similar to ours.

When has anyone heard any member of this Government state clearly that they will not privatise our power industry if re-elected? Here is the Minister's chance. As the Minister well knows, the Treasurer repeatedly says to business around this city and State, as does Doug McTaggart, that they are pursuing the FitzGerald reform agenda, not the Tony Fitzgerald reform agenda——

**Mr FitzGerald:** Vince.

**Mr BEATTIE:** That is right; the Vince FitzGerald agenda, which is about selling off public assets in this State. They have a dry privatisation agenda. We have been the Minister's most effective ally in pressuring them out of it. But that is only until the next election. If they fluke being re-elected, which they will not, their agenda would be privatisation. National Party Ministers and members opposite know exactly what the Liberal Party agenda is. It is very clear and it is in speeches that Doug McTaggart delivers. The extraordinary thing about it is that Doug McTaggart goes around delivering speeches time and time again to senior business in this State outlining the benefits of Vince FitzGerald's report and about the privatisation agenda. It is quite clear. He unashamedly totally contradicts the Minister's position time and time again. I am not seeking to pursue this point other than to put it on the record today, because there is a split between the Liberals and the Nationals on these issues.

All that they have said—and it seems to be a well-rehearsed phrase—is that, "Privatisation is not on the agenda." That is what the Government tries to pretend. The silent word in that phrase is "now"—"Privatisation is not on the agenda now ... but just wait until we get into power in our own right." That is the agenda. Hopefully, it will be a long time before that happens. When my Labor Government and that of my successors has been in power for long enough, maybe they will have another chance in 30 years.

Labor's policy is consistent with the COAG agreement to establish a national electricity market. It is consistent with the competition principles agreement. Under Labor's policy we will keep our strategic assets out of the hands of the major international power generators, because we do not see that as being in the State's or the nation's interests. Labor's policy will protect the annual flow of dividends and tax equivalents from our electricity corporations, which last year totalled around $560m. We will stop that from being repatriated to foreign multinationals. That is $560m which is currently used to fund recurrent expenditure on teachers, nurses and police. It is revenue which would have to be found from elsewhere if the industry were privatised.

To maintain this return to the taxpayer, around $7 billion of privatisation proceeds would need to be invested in financial markets. And after the past few days, one would not feel too confident about that. We should not believe the line that the Government could simply reinvest the full proceeds of privatisation in other infrastructure. When someone suggests that to us, what is really meant is that the lost dividend revenue would be recovered through higher taxes.

However, I have to put on record in this debate my concern about the Treasurer's decision in the Budget to rip $850m out of the electricity industry in loans. I am also concerned about the practice started by this Government of spending some of that money on recurrent expenditure. That is the point that the shadow Treasurer and I have been making in relation to infrastructure. We are happy to have a partnership with the private sector with respect to infrastructure. That is important, but we do not take money out of an electricity industry and put some of it into recurrent expenditure. That is the road that Victoria and South Australia went down. That is the long-term recipe for a financial disaster. That is why we have not supported it and that is why we have been very critical of it.

I know that the Government may well have money to throw into pork-barrelling in the lead-up to this election, because it has pulled $850m out of the electricity industry. However, I remind Queenslanders that one day that loan has to be repaid. The Treasurer, Joan Sheldon, wanted the money and she pulled the heart out of the electricity industry to do it, because she saw that as a nest egg that she could grab hold of.

**Mr McGrady:** No protests from the Minister.

**Mr BEATTIE:** We heard no protests from the Minister or backbenchers—no protests from the Government. The Minister let it happen.

**Mr Gilmore** interjected.

**Mr BEATTIE:** Too right I did. Does the Minister know what Mr De Lacy did with that

money? He retired debt with it. He did something constructive. Did the Minister retire debt with that $850m? No, he did not retire debt. He put some of it into infrastructure, and that is fine. Interestingly, this week the Treasurer came in here to attack me because of a speech I gave to the Infrastructure Association. I gave the clear message that we can put some debt into infrastructure provisions, as long as it is solid.

**Mr Hamill:** She put about $400m of the money from electricity into the recurrent budget.

**Mr BEATTIE:** That is the difference. The $400m that went into infrastructure is fine, but the $400m or whatever that went into recurrent expenditure puts the State on bankcard; it puts the State in hock. That is what it does. As I said, that is the sort of thing that happened in Victoria and South Australia. I would have thought that the National Party would have stood up to the Treasurer on it, but it just rolled over. This is a Liberal Government, not a National Party Government. The National Party rolls over and just cops all this economic dry rubbish from Doug McTaggart and Treasury. Treasury runs the agenda.

**Mr Hamill:** The fleas are on the dog.

**Mr BEATTIE:** That is right; the fleas are on the dog.

What did we get? All we get from Rob Borbidge is his cute lines written by Wendy Armstrong that he comes in here with every day. Another "Wendy special" is what we get. He has no idea what is going on in the economy—no idea! Talk about the tail wagging the dog! We know who makes the serious economic policy in this State; it is Treasurer Joan Sheldon. All the cute Wendy Armstrong lines from the Premier do not change that. If that were not the case, a National Party Government would have stood up to that $850m debt.

Sir Joh Bjelke-Petersen would never have ripped $400m—the total figure was $850m—out of the electricity industry and put it into recurrent expenditure. Do members opposite know why? Because he was about providing a solid economic base in the State!

**Mr Hamill:** But Leo Hielscher wouldn't have, either.

**Mr BEATTIE:** Leo Hielscher would not have let him. Wayne Goss would never have done that, either. Neither Goss nor Bjelke-Petersen would have done that because they understood the importance of the industry. They understood about keeping the Liberal dries in their box. That is what they understood. What do we get? We get this nonsense from Treasurer Sheldon who runs the agenda and sets out to put borrowed money into recurrent expenditure. So we will not have any of the nonsense from the Ministers, the Treasurer or the Wendy Armstrong-inspired Premier of this State about what is happening with debt. They have got an atrocious record in relation to debt. They borrowed money to put into recurrent expenditure. That is simply not in the interests of this State.

Under Labor's policy, Queensland would be saying to the rest of the world that we are serious about participating in one of the largest growth markets in the world today. This is the global power generation market and, in particular, the market on our own doorstep in east and south Asia. When I am Premier this will be a major priority of my Government.

It has been estimated that in each of the next 25 years an average of $100 billion will be invested in new power generation assets. AUSTA Electric has been actively selling its expertise in this market using its base as a large, efficient, Government-owned generator. Our ability to continue in this export market will be severely diminished if AUSTA remains in its current disjointed state. This will particularly be the case if the remnant parts are sold off to the companies who are competing with AUSTA for those export markets. That is why privatisation should never be on our agenda in this State.

Under Labor's policy on electricity, we will protect domestic and small commercial consumers of power from the massive price increases to which they are exposed by the Borbidge Government. Let there be no doubt that, if the current arrangements are not changed, small consumers particularly in coastal Queensland—the provincial cities—will be exposed to power bill increases of up to 28% when the price cap disappears in 2001. Labor will ensure that the pricing policy it established successfully in 1994 continues. There will be no price increases for electricity consumers, and large industrial customers will see further reductions in their power bills.

Labor's policy will also see the return of commonsense strategic planning of future new generation capacity. We are not keen on the open market approach such as that currently in process for new electricity generation capacity. The effect of the arrangement is that the first bid lodged gets the approval. This is too haphazard. It adds considerable risk for potential investors and

could allow strategic gaps to emerge in the State's infrastructure networks. For example, I am firmly of the view that the next base load power station needs to be in Townsville. I put it clearly on the record today and I look forward to the Minister doing the same. Those interested in industrial development in northern centres such as Townsville are looking for reliable sources of energy supply located near their production sites. With no base load generation existing north of Rockhampton, north Queensland is missing out. The long-distance transmission of power to the north has been estimated to add between 15% and 20% to the cost of electricity in the region. By establishing base load facilities in the north, the State Budget will not have to provide as much CSO funding to support prices in that region.

If the next base load power station does not go to Townsville, the Chevron gas pipeline from PNG will be placed in jeopardy. We are on public record as supporting that pipeline, as the Minister knows. We have given a bipartisan commitment to that pipeline. The loss of gas supply from the north will also jeopardise the Comalco refinery for Gladstone.

**Mr Gilmore:** I'm glad you've got some brains.

**Mr BEATTIE:** I can tell the Minister that following him would not be too bright; that is why we have tried to avoid it up till now. At least we went to Papua New Guinea. The shadow Minister, Tony McGrady, and I went to Papua New Guinea, as the Minister did. But where is the Premier on this issue? Has he been putting the Chevron gas pipeline up in lights where it ought to be?

**Mr Gilmore:** He went two months before us.

**Mr BEATTIE:** It was months later, and after he had a reviewing process which slowed it down. We did not play the game on Chevron, but we could have. The Minister's process slowed it down. We could have played the game, too, but I have said nothing about it because I want it to go ahead. I have not criticised the Minister because I want the pipeline to go ahead. It is too important to this State.

**Mr McGrady:** And the member for Mundingburra has not opened his mouth at the moment.

**Mr BEATTIE:** He has never heard of it. He does not represent anyone other than Manuel. The problem here is that there needs to be some commitment to some sensible strategies. We are prepared to do that when it is sensible and constructive. That is why we have gone through a sensible, overall plan for the electricity industry which will work.

Let me say again, it is clearly in the strategic interests of this State and north Queensland in particular for a base load energy supply to be located in the north. Labor's policy on electricity will see a return to secure, productive employment for electricity workers around the State. We believe there is no justification whatsoever for removing basic levels of decency in employment conditions. There is not much use in achieving so-called efficiencies by moving from the public to the private sector when the only result is an erosion of the terms and conditions under which workers are employed.

Avoidance of such responsibilities as superannuation, workers' compensation and sick leave by reverting to contract employment might seem cost effective, but it strikes a savage blow to the overall welfare of the community if workers are not provided with the means of replacing those safety nets. Similarly, doing more work with fewer staff might be a desirable micro-economic objective, but the social outcome of overworked and highly stressed staff makes the community and, ultimately, the organisation poorer. We also cannot escape our obligation to bring down the large-scale unemployment we presently endure in our community. As I have said on many occasions, the priorities of my Government will be jobs, jobs and jobs. We will tackle the concerns about job insecurity. I know I do not need to remind honourable members that this is the same community that we are all elected to represent. If we cannot provide leadership by treating our employees with dignity and decency, who will? It is important that we do so.

It is also important that, on an occasion such as this, I raise the issue again of the policies of One Nation and Pauline Hanson. I know that the Honourable Doug Slack is making an announcement in relation to the Surat Basin later today. My concern about that announcement is this: it is all very well to make the announcement—and we welcome that, and we will examine the details of that in due course—but unless this State Government as well as the national coalition parties tackle the issue of One Nation and Pauline Hanson head on, the future economic climate of this country and this State will be affected.

This has been exacerbated in the last few days by the broadening Asian economic crisis which has seen plummeting stock market

prices over the last few days, although I understand there has been a revival to some extent this morning. It is not good enough to play Pontius Pilate when it comes to issues of preferences in relation to One Nation candidates because, if we do, we send the wrong signal to our trading partners. We are prepared to have the courage to say that we will put One Nation candidates last. The Premier failed the invitation I gave him this morning to do the same. As the parliamentary leader of my party, I have demanded it of my party and that has been agreed to. The Premier should have the strength to do the same. We should forget whatever shades of politics we have in this House; it is not good enough to allow One Nation and Pauline Hanson to continue to damage our trading partnerships, because trade means jobs. This applies to the Surat Basin. A number of the partners involved are from Asia, including a Japanese infrastructure company. Those trading partnerships are put at risk. There has to be a clear message. Based on some of the Wendy Armstrong-inspired statements made by the Premier, I would have thought that he would have followed up his rhetoric with some action in relation to preferences. He has failed to do so.

It gives me no pleasure to say that projects such as the Surat Basin are put at risk by One Nation, and are put at risk by the failure of the Premier to do something constructive about preferences, but that is the case. We will support the Surat Basin and similar developments because they are important for this State. We are prepared to give leadership in relation to preferences; it is about time that the Premier and the Deputy Premier did the same.

In summary, Labor can deliver an industry structure that: prevents privatisation; maintains the existing policy of no price increases for any Queensland consumers; re-amalgamates AUSTA so that it is of sufficient size to compete in a truly national electricity market and an international power generation market; retains the value of the Government equity in the electricity industry; maintains Government control over electricity planning and supply, at the same time allowing partnerships between the private sector and the public sector; and retains employment in regional Queensland. The Opposition supports the Bill.

**Hon. T. McGRADY** (Mount Isa) (12.31 p.m.): As the Leader of the Opposition has said, the Labor Party supports the Gladstone Power Station Agreement Amendment Bill and we certainly will not divide the House on it. When the Minister brings legislation into this Parliament concerning the electricity industry, we usually divide the House as a matter of principle because we want to get the message across the State loud and clear to anybody who will listen to us that we are opposed to what this Government, and in particular this Minister, are doing to the Queensland electricity industry. This debate gives us an opportunity to expose the failure of this Minister and his Government in the energy industry.

This morning we heard the Leader of the Opposition elaborate on the policy on which the Labor Party will fight the next election. Just a few days ago in Mount Isa we released our energy policy and we have had a tremendous amount of encouragement from people who have read the policy. Today, industry leaders around Queensland are concerned about the direction in which this Government is taking the industry. Employees of the electricity industry are also concerned, as is the public in general.

As the Leader of the Opposition stated today, our policy is quite clear. For the benefit of this Parliament, I will reiterate some of the main points. The Labor Party supports competition and a competitive national energy market, which we believe will provide low-cost energy in our State. As the Leader of the Opposition has said, we also welcome private sector investment in new electricity generation. I want to make it perfectly clear that we will have no truck whatsoever with privatising the assets which are currently owned by the people of Queensland.

Labor is committed to a base load power station in the north of the State. Labor will establish a competitive tendering system to bring about this important development. The Minister has stated time and time again that there is a need for two new base load power stations in the State. He has stated that the first of these will go to where the new refinery goes, which one would assume would be Gladstone. The second power station will go to far-north Queensland.

I have often heard Townsville referred to as north Queensland. I have often heard Townsville referred to as a suburb of Mount Isa. I have never ever heard Townsville referred to as far-north Queensland. I will take the interjection from the member for Mundingburra. The member for Mundingburra has betrayed——

**Mr TANTI:** I rise to a point of order. I never made an interjection at all.

**Mr FitzGerald:** He is just a con man, this fellow.

**Mr McGRADY:** I would not say that the member for Mundingburra is a con man. I would say that he is conning the people of Townsville, because he should be standing up in this place today——

**Mr TANTI:** I ask that that remark be withdrawn; I find it offensive.

**An Opposition member:** He said to stand up.

**Mr TANTI:** I ask that that be withdrawn as well.

**Mr McGRADY:** I will withdraw anything at all which the member for Mundingburra finds offensive. Today the member for Mundingburra has the perfect opportunity to stand up in the Parliament of Queensland and tell his colleagues on the ministerial benches that Townsville requires a base load power station. With Korea Zinc being developed in Townsville, industry will feed on that major enterprise, and the time has come when Townsville needs a base load power station. However, all the member for Mundingburra does is sit at the back of this Chamber and heckle and interrupt the people who are articulating a case for the people of Townsville. I recall that some two years ago the member for Mundingburra was saying, "Send the little battler down to Brisbane and I will fight for Townsville." Today the member has the opportunity to do that, but once again he has failed. He has failed his constituents, and he has failed the people of Townsville. He stands condemned. The member for Mundingburra should not bother interjecting any more during my speech.

**Mr FitzGerald:** He didn't interject, and you know it.

**Mr McGRADY:** Let me reiterate that the Labor Party is committed to a base load power station in the north—not the far north, and not Gladstone—the n-o-r-t-h of this State. Labor will overturn the artificial separation of AUSTA into four companies and bring them together as a State-owned identity. Labor will retain Powerlink as a Government owned corporation, maintaining its natural monopoly over transmission lines. The regional retail distribution systems will be returned to their original 1995 structures and will be retained in public ownership. I will come back to the question of the south-east area of the State.

I re-emphasise what the Leader of the Opposition said earlier today. Labor is committed to maintaining tariff equalisation to ensure that regional areas are not disadvantaged. I believe that the tariff rate in Brisbane should be the same as the tariff rate in Burketown or Boulia. That is not the case under the policies of the present Government. Labor will also actively support the development of alternative energy sources in an attempt to reduce the amount of greenhouse gas emissions. I will come back to this issue.

The Opposition will determine employment levels in industry, not on the basis of penny pinching but on the basis of how the function of the industry can be undertaken effectively, efficiently and safely. I have often mentioned in this Parliament my concern about the number of jobs that are going to be lost from this industry. During the Estimates debate, I challenged the Minister to deny that 2,000 jobs would disappear from the Queensland electricity industry. The Minister failed to give that assurance. The Minister failed to deny the fact that 2,000 jobs would be lost. Already, as Opposition members travel around this State, we find instances in which many hundreds of people have already been retrenched or offered fancy packages. But at the end of the day, over 2,000 jobs will disappear from this industry, and this Minister and this Government stand condemned.

Just a few short weeks ago, NORQEB sent out letters to people teaching them how to read their own electricity metres, because NORQEB intended to sack the meter readers. Of course, once it found out that I knew about this, the next day in the local media it said that the letters were sent out in error. The letters were sent out in error, because at that point in time NORQEB did not want anybody to know what it was up to.

Likewise, as members travel around this State they see the mess which the industry is getting itself into as a result of the policies of this Government. Money is not being spent on the maintenance of equipment. Already in the regions the facilities which users of the electricity system once took for granted are no longer available to them. While the Government is penny pinching in these areas, it is paying out millions of dollars to consultants. It is paying $425,000 a year to the chairman of the task force. I do not know who makes these decisions. I do not know who agrees to paying these sorts of amounts because, in the Estimates discussions, I had to tell the Minister what he had agreed to pay the chairman. He claimed that he did not know. So on the one hand the Government is penny pinching and sacking the battlers of this State, and on the other hand it is paying

millions of dollars to the wealthy people, the consultants and others.

I mentioned alternative energy a few moments ago. This is one sector in which this Government stands totally condemned. Under the Goss Government, Queensland had gained a reputation for being out there showing the rest of the State the way, showing how the job should be done in the field of alternative energy. We had two systems. We had one in the Daintree and we had one in Boulia. This Minister and this Government have sabotaged that scheme. The people in Boulia would not have a clue what the Government's intentions are. I know that the Minister has been up there, and I know that he has spoken to some of the people, but they still do not know what is happening to a system which was certainly working well.

I still get letters from all around the world asking me what has happened to Queensland, because once we were seen as the State which was leading the way in the field of alternative energy. Today we are not even an also-ran. Likewise, the people in the Daintree simply do not know what the Minister has done. But I will tell him what he has done. He is in the process of destroying the most unique part of this planet through his decision to allow reticulated power to go into that part of the State. I have a Christmas card which I display in my home that says, "Dear Mr McGrady, Thank you for saving the Daintree." But of course, meanwhile, the actions of the little man at the back of the Chamber, the member for Mundingburra, changed the Government, and now the Minister is destroying that unique part of the planet. He will forever be condemned for what he is doing in the Daintree.

The Government destroyed the $500 rebate which we gave to people who transferred across to solar power. The Minister knows that he made a terrible mistake, because of the volumes of correspondence and telephone calls which he has been receiving in his office. He has destroyed one of the greatest incentives that any Government could offer, and again he stands condemned.

Of course, the greatest condemnation of this Minister and this Government is the path that they are going down. As our leader said this morning, everybody in this State knows that if this Government is returned at the next election, it will sell off this industry and it will sell it off to the highest bidder. That is why it has divided it up into three or four sections, because it thinks that it will be easier to sell. I say to the Minister: the Labor Party will fight you every inch of the way, and we will expose you for what you and your Government are. We will not allow this Government to sell off the assets of this State. I was in the Minister's electorate last week, and people there said to me, "We don't call Tom Gilmore any more. We call him no more." The people of Queensland have really had enough.

Members have talked this morning about the backflips of some of the Ministers. Members would recall how the then Opposition, led by the now Premier, Mrs Sheldon and Mr Gilmore, enticed people to protest.

**Mr FitzGerald** interjected.

**Mr McGRADY:** The member was not far behind it, either. He participated in those protests, enticing people to protest against Eastlink.

**Mr FitzGerald:** I did not.

**Mr McGRADY:** I apologise. I saw the member at some of the gatherings.

**Mr FitzGerald:** I went to information nights, but I did not take any part.

**Mr McGRADY:** All right then. So the member agreed with the policy that we were enunciating. I accept that.

Opposition members have travelled around the State and seen little groups protesting at our Government's plans to develop Eastlink. Members opposite gave all sorts of commitments—"We won't allow Eastlink"—but they were not in office five minutes before they did another backflip. And now we have Westlink.

The situation is likewise with Tully/Millstream. This Minister paraded up and down far-north Queensland assuring the people of the north and the far north, "We will go ahead and we will develop and we will build the Tully/Millstream." A few short weeks after he had been sworn in as a Minister of the Crown, what did he say? "No, we will not go ahead with Tully/Millstream because it is no longer relevant." It was no longer relevant just a few short weeks after all the promises and all the commitments he gave. People flocked to support him during that campaign because they believed that they were going to get the Tully/Millstream. He sold them down the stream. He sold them down the river. People up there feel very, very betrayed.

The other thing that I want to mention briefly today is the attack on the electricity industry by the State Treasurer. She ripped $850m out of the industry. What did she do? Did she redeem debt? Not at all! She used

that money as a slush fund, and she will be spending it in the lead-up to the next election. The sad thing is that the consumers of electricity in this State will have to repay that amount of money.

As one goes through the record of this Government in the last 18 to 20 months, one sees the way in which it has destroyed the Queensland electricity industry, an industry which is recognised not just around this Commonwealth but, indeed, around the world as being efficient and one of the best organised industries in the world. These people have progressively destroyed it. The morale in the industry today is at an all-time low. I know that members rise in this place from time to time and make allegations about many aspects of Queensland life, but in the Queensland electricity industry today morale is at an all-time low. The Government could not even get people to serve on its boards. People refused its invitation to take up positions on the various boards because they knew that the Government was destroying the industry. Long-term officers within the electricity industry resigned, got away and would not have a bar of what the Government is doing. That is very sad. I have spoken to some of the people who were offered positions as members of various boards but declined. To me, that is a vote of no confidence in this Government.

I appeal today to the member for Mundingburra to show some gumption, because this debate gives him the opportunity to participate in future electricity generation in this State. He should be standing up today and articulating the need for a base power supply in Townsville. All he has done is heckled members here—people who are presenting a case as to why there should be a base power station in Townsville. He has not come forward with one constructive suggestion on behalf of the people of Townsville. The role of members of Parliament is to represent the people who elect them. All you have done is sit up there and heckle, interrupt and interject——

**Mr DEPUTY SPEAKER** (Mr Stephan): Order! The member is no longer speaking to the Bill. He is not going to carry on like that.

**Mr McGRADY:** Mr Deputy Speaker, I bow to your better judgment. I note the way that you have defended the member for Mundingburra.

**Mr SPEAKER:** Order! I ask the member to return to the Bill.

**Mr McGRADY:** I will.

I conclude by saying that it is a sad day for this Parliament when members of Parliament have the opportunity to try to convince the Minister of the need for a base load power station in their particular city and they have failed. As I said at the beginning of my contribution, we will not oppose this Bill. We will support it, but I hope that the Minister takes on board the contributions of the Leader of the Opposition, the other speakers on this side of the House and me. I hope that he notes also the deafening silence of the member for Mundingburra.

**Mr ROBERTS** (Nudgee) (12.51 p.m.): I will not be touching on the policy aspects. They have been adequately dealt with by the Leader of the Opposition and the shadow Minister. They have outlined the excellent benefits that will flow to the people of Queensland after the next election when that policy is put in place. I want to say a few words today on behalf of some of the battlers in the electricity industry, particularly the employees and genuine contractors who are trying to perform work for various sectors of the industry. A couple of speakers today have spoken about the well-known intention of the Government to privatise the industry. Despite the Minister's protestations, it appears that everyone within the industry knows that it will happen and expects it to happen. That has been facilitated by the breaking up of generation into four easy-to-sell packages in the form of the three generation companies and the one engineering company.

**Mr Harper:** The only people who talk about that are you people.

**Mr ROBERTS:** That is not true. The sale of the industry is well talked about within the industry and is expected. Every commentator in the country recognises that all the signs are there and all the moves have been made by the Government. The position is that it is just a matter of time before the sale documents are put in place. One of the arguments put up about disaggregating into four corporations is that it was necessary to participate on the national market. That argument has been dealt with quite adequately. Of course, no-one has mentioned the fact that it was not deemed necessary in South Australia, where my understanding is that they have retained their generation industry intact.

One of the consequences of the Government's decision to disaggregate into the three generation companies and the engineering company is the unnecessary duplication of costs. The one thing that most irks the workers in the industry is the wastage

and duplication at the senior executive level. I will give one example of that, which illustrates the type of wastage to which I believe the Minister needs to be paying a bit of attention. He should be asking a few questions in relation to that part of the industry. A recent Industrial Commission case was a consent variation to the awards. That occurred to include the names of new corporations within the award. There were some quite extensive negotiations that took place prior to that hearing; however, all the parties were in agreement.

On the date of the hearing, which was before Commissioner Bechly on the second of this month, the unions were represented by one industrial advocate. That advocate outlined the case on behalf of all unions. Then it was time to put the position of the industry. I will not read the names of the individuals involved, because I do not want to embarrass them personally. I will read into Hansard today the response of the industry to illustrate the type of wastage and duplication that is causing a great deal of concern and annoyance at the employee level.

After the union presented its case, the commissioner called the Stanwell representative. I will quote from the transcript—

> "Thank you, Commissioner. In matters B1035 and B1036 of 1997 Stanwell Corporation consents to the application before you. Thank you."

The commissioner then called CS Energy's representative—

> "Thank you, Commissioner. In matters B1035 and B1036 of 1997, CS Energy consents to the application before you today. Thank you."

The commissioner then called AUSTA Energy's representative—

> "Thank you, Commissioner. In these matters, B1035 and B1036 of 1997, Austa Energy Corporation Ltd consents to the application before you today."

The commissioner then called Tarong Energy's representative, who, I might add, was a highly paid barrister. The barrister stood up and said—

> "Commissioner, just to keep the roll going in B1035 and B1036, Tarong Energy Corporation consents to the application."

That was it.

Again, I do not cast any personal reflection on the individuals involved. However, I make the point that employees in that industry have been told that they have to be efficient and tighten their belts in order to make the industry competitive, yet there were some quite highly paid representatives of some four corporations standing before the commission saying the same thing in a consent application. That is wasteful duplication. It is a waste of time, effort and money. That is something about which the Minister should be asking some questions within the industry to ensure that it does not happen again.

I turn to a couple of matters relating to SEQEB. I have had some discussions with some people, particularly those involved in the tendering for contracts within the industry. The anecdotal evidence that I am receiving is that there is a great deal of concern, particularly among legitimate contractors in SEQEB, about the tendering process. The contractors that I am referring to are those who seek to maintain high quality assurance standards, are properly resourced with equipment and staff, endeavour to engage full-time employees and also comply with all necessary regulations and health and safety requirements. Some of those legitimate contractors are being undercut by what can be referred to only as $2 companies. I have been given examples involving a range of contractors that had submitted tenders to SEQEB. In some cases, those tenders were awarded to companies that do not have any standing in terms of assets and employees and which are, in effect, jeopardising the employment of those contractors who genuinely try to do the right thing.

Additionally, strong concerns and suspicions have been raised about whether those companies are paying proper award entitlements and complying with the agreements that have been put in place in the industry in matters such as superannuation and rates of pay. One of the difficulties that have been confronted by unions in the industry is that some contractors—what I would refer to as shonky contractors—are also using the new Workplace Relations Act to hide behind the fact that they are not paying proper award wages or entitlements to their employees. In the case of one company in particular—and I would suspect that this would be almost a condition of employment—all employees of the company signed forms under the new Act which preclude the unions from inspecting wages and conditions. The impact of those decisions prevents unions from scrutinising whether companies are paying the proper award rates and providing

the proper conditions and enables those companies to hide some of the cost-cutting initiatives that they have put in place to undercut and undermine some of the efforts of what are some legitimate and good contractors who are working within the industry.

The aim of the Government and the electricity industry should be to create and encourage stable employment within the industry. Obviously, my personal preference is for that to occur via the creation and maintenance of permanent employment within the industry; however, there will always be levels of contracting out that are required. We should be aiming to ensure that those contracting out processes do not encourage or, in fact, facilitate the types of practices that I have referred to today, which, in effect, lead to the ripping off of employees and the undermining not only of the legitimate contractors but also, in my view, the quality of service that is able to be delivered by the industry to consumers.

While on the issue of contracting out, I might make the point that a great deal of concern is held about the extent and scope of that practice, which has taken place since the coalition Government came to power. In particular, I refer to the Sunshine Coast. At one stage, the Sunshine Coast had seven depots.

Sitting suspended from 1 p.m. to 2.30 p.m.

**Mr ROBERTS:** Before the break I made reference to the seven SEQEB depots in the Sunshine Coast area. It has been revealed that it is SEQEB's intention to reduce that number to three, with the closure of depots at Noosaville, Nambour, Caloundra and Maleny. I have one particular concern in relation to the Noosaville depot. Over the past 18 months, not only has the staff of that depot been reduced from 40 down to 12 but also I am told that within that period approximately $800,000 has been spent on upgrades and improvements. The questions that need to be asked are: when were the plans to close this depot first discussed? On whose authority are those depots intended to be closed? Why was such a large amount of money expended on a depot when, on anecdotal evidence, nine to 12 months ago people were saying that the depot had a short life? So again in the eyes of employees, at a time when they are being asked to tighten their belts to help the industry to be more efficient, significant amounts of money have been wasted.

Some months ago in a debate on another Bill, I raised the issue of the closure of depots and particularly managers within SEQEB scaling down the operations of various depots. At that time I referred to the fact that assets stripping was taking place and also staffing levels were being reduced down to skeleton levels. At that time, the Minister indicated that he had issued a directive that the depots in those regional areas were not to be closed. Obviously, not only now but also at the time that that directive was issued it was ignored.

In conclusion, I request that the Minister take on board the genuine concerns that I have raised on behalf of employees in the industry and also the genuine concerns of those legitimate contractors who are trying to do the right thing. I hope that the Minister is able to get to the bottom of it and improve the situation for those concerned.

**Mrs CUNNINGHAM** (Gladstone) (2.33 p.m.): During this debate, mention was again made of the alleged intention of the Government to privatise the electricity industry. When the Gladstone Power Station was sold, the Minister was aware of my views on privatisation. I did not support privatisation then and I still do not support the privatisation of strategic infrastructure in this State, particularly infrastructure such as power. It is an asset that should be protected for the people of this State. I notice that on every occasion this matter has been raised, the Minister has responded by saying that there is no intention to privatise the power industry in Queensland. I think that the reinforcement of that view is not only important for the members of this Chamber but also for the employees of the power grid in Queensland.

It was a stated prerequisite of the sale of the Gladstone Power Station that the Boyne smelter's third potline be completed, and that will be opened by the Premier on 10 November. The partners involved in the purchase of the Gladstone Power Station are very happy with the competitive tendering process, to which the State has now become a partner. However, it remains a point of intrigue to me that, although the National Competition Policy—which was signed by the former Government—is the prerequisite for the moves that this Government has made in relation to the power industry, there has been a lot of criticism of the Government for those moves. It is my understanding that the recent restructuring of the power industry in Queensland was directly as a result of that agreement signed by the previous

Government. I still cannot come to grips with that point and the contradiction that occurs in this House over alleged privatisation and the restructuring of the power industry. If that is the case, if the agreement signed some time ago was irrevocable—and that is the basis upon which I have supported the restructuring of the power industry, not as a precursor to privatisation, which I oppose, but because it was an obligation created by the signing of the NCP document—then it remains a point of absolute intrigue that there continues to be objection to it by those who signed the agreement.

The only other point that I wanted to make about this Bill is that the principals of the purchasing company of the Gladstone Power Station have spoken to me about their concerns that the status quo had altered from the time that they signed their original agreement with the Queensland Government and now, particularly in light of the new competitive environment. On behalf of those principals, I express their appreciation of the fact that their concerns have been addressed in this Bill and in discussions that they have had with the Minister. It is my understanding that they have been more than happy with the Minister's final responses. The Bill adjusts the anomalies in great measure because of that change of status.

The other point that I would like to make is that for those of us who reside in the Gladstone/Calliope region, the development of the Boyne smelter and the development of a competitive electricity industry, particularly if it results in an efficient and more economic provision of power, will be of benefit in terms of job creation and development. In an industrialised environment such as the region that I represent, the new competitive regime is a plus in that it will attract development partners and, I hope, job diversification, such as a light metals industry, which is a high user of power. That can only improve and benefit the community that I represent. I thank the Minister for his willingness to take on board the concerns of the NCP principals and I will certainly be supporting the Bill.

**Hon. T. J. G. GILMORE** (Tablelands—Minister for Mines and Energy) (2.37 p.m.), in reply: I will respond to a number of points raised but, because the Bill is supported by the Parliament, I will not take up a lot of the time of the House. I thank all of the speakers for their assurance that this legislation is recognised as being an important part of what the Government is doing with the electricity industry. As we move towards a competitive market, it is essential that the Gladstone Power Station be brought into the loop appropriately. That is what we set out to do today. In that regard, I thank all of the members for their contributions.

However, it would be derelict of me not to make some response to some of the policy initiatives that were announced by this Parliament today, although there is nothing much new in all of that. I think that the member for Gladstone was the only member, in her very short contribution, to actually address the legislation. That is an interesting concept in this place. There was a time when members used to actually stay within the context of the legislation when speaking to it. Nonetheless, here we go.

The electricity policy that the Opposition is speaking about today is very much a case of back to the future. I keep telling the Leader of the Opposition, and I have said it in this place, that he really ought not continue taking his advice from a yesterday's man, particularly a yesterday's man who does not understand the complexities of what it is that we are about.

The Leader of the Opposition made quite a lengthy contribution to the debate and he spoke as though the world had not turned in the past 20 months. Indeed, he spoke as though the world had not turned since 1995. He said that his Government would take us back to the previous structures in the electricity industry as they existed in 1995. That is what his policy document states. I wonder at that, because I have not met any rational observers who are knowledgeable about the industry who have said that the previous structure of the electricity was anything but disastrous. It was disastrous for a number of reasons, not least of which was due to the legislative structure of the QTSC which, as honourable members will recall, was the overarching administrative body of the electricity industry. That body strangled the life out of initiative in the electricity industry in this State for a number of years.

It appears that the Leader of the Opposition has now been advised by his shadow Minister to go back to the dearly loved position of legislative and administrative incompetence that we saw in the past. I wonder about that. I wonder that the Leader of the Opposition was prepared to stand in this place today and nail his flag to that particular mast when the users of the electricity industry are shuddering in their shoes at the concept of going back to such a situation.

The Leader of the Opposition said that he is absolutely committed to a competitive

electricity market. Clearly, he has not studied his subject and he does not know the complexity involved in a competitive electricity market. Clearly, he has not studied the changes to the electricity legislation that have been passed by this House. Clearly, he has not read the national code of practice for the electricity industry. Clearly, he has not spoken with the people at NEMMCO and NECA about how these things proceed and progress. Obviously and sadly, even though I have offered as many briefs as he would like, he does not understand the complexity of the pool pricing system. Having said of all of that, one wonders why, when we are coming up to an election campaign, he stands in this place, clearly displaying his ignorance, and nails the flag of the Opposition to a very old mast indeed. I suppose that the only benefit in it is that the mast might be rotten enough for the tacks to fall out and release him.

I particularly wish to respond to the Opposition Leader's comments about the power station in Townsville. Of course, the member for Mount Isa, the Opposition spokesman for electricity in this place, also took me to task for my comment about far-north Queensland. I have explained that it just happens to be a part of the idiom that I use. In my own simple way, I have always considered Townsville to be a part of far-north Queensland. Recently I went to Townsville for the turning of the sod of one of the new power stations that are being built there, which the honourable member decided to ignore. I raised this subject. I said to Mayor Tony Mooney, "Tony, if that is how you feel about it and you want to be a southern city, that is fine with me." The truth of the matter—and I will state this again—is that we instinctively believe that the next base load power station, if there is to be a base load power station in far-north Queensland, will be sited in Townsville. With all of the things that we know about the electricity industry—the transmission system, the distribution system, where the load factors are—that is our instinctive understanding. Honourable members opposite must forgive me if I used the term "far-north Queensland" when I was very respectfully referring to Townsville.

By the same token, it will not be the decision of Government—at least not this Government—to determine where that power station ought to be. In a few day's time I will give the Opposition another opportunity to answer some questions. Opposition members said that they would go through a tendering process for a new power station in Townsville. They have given evidence of support for the Chevron pipeline proposal. Of course, either the Chevron pipeline, the Timor Gap pipeline or the Bowen Basin gas pipeline will have to provide the fuel before a base load power station in Townsville can be built. At the end of the process, will they call a competitive tender? At what stage will they call it? Are they going to have a power purchase agreement as part of that competitive tender? If not, what is the basis of the competitive tender for the provision of base load power in Townsville? Considering the duty that the Opposition has to the Parliament and to the people of Queensland, I expect that those answers will be provided at the very first possible opportunity, which will come in a couple of week's time with the next tranche of electricity legislation.

It is improper for the Leader of the Opposition or his spokesman to stand in this place and say, "These are the policies that we are going to have. We are going to go back and do this and that." When the next tranche of electricity legislation comes before the House, I challenge members of the Opposition to spend their time explaining the mechanisms and the detail of their policies, so that at least the people of the State can choose. They know the mechanisms and the details of my policies. They have all been published and they love them dearly. I would like the honourable member for Mount Isa to explain how he will put these processes in place. I would also like him to explain how an 80% holder of the marketplace does not have significant market power. The honourable member for Mount Isa and his leader ought to explain that the next time they have an opportunity to do so in this place.

The member for Mount Isa also raised the question of employment in the electricity industry. I draw his attention to his very own policy document. I cannot quote that document verbatim, but he stated that their employment levels will be the employment levels that are appropriate for the electricity industry. I can only assume from that that employers will be efficient and that there will be sufficient people employed to run an efficient industry. I thank the Opposition for that, because that is exactly what the Government is doing. There is no difference in the employment proposals of the Opposition's electricity industry policy and the Government's electricity industry policy. It is a matter of commonsense to simply stock the industry with sufficient employees to do an efficient and appropriate job which is cost effective and gives the right sort of service to the people of Queensland.

The member for Mount Isa alleged in this place that morale in the electricity industry is at an all-time low. Nothing could be further from the truth. "It is really bad", he said. I place this statement on the record of the Parliament so that people understand it: I travel considerably in the State and I talk to people within the industry, and everywhere I go I see people who are suddenly unshackled because the QTSC is no more. It is no longer strangling the innovation, enthusiasm and open mindedness that now permeates the whole of the electricity industry.

**Mr McGrady:** You know you don't believe that.

**Mr GILMORE:** I believe it entirely. I have never seen such an extraordinary outburst of enthusiasm and innovative thought. This industry is no longer constrained by regulations that take away the capacity of the people, from the shop floor to the top of the tree, to apply their intellect to their jobs.

Once again, the member for Nudgee provided a very thoughtful contribution to the debate and I thank him for that. He raised a couple of matters and I will not canvass them all, because I do not want to spend a lot of time doing that today.

The member spoke at some length about contractors and some of their concerns, particularly the concerns of the legitimate contractors who pay appropriate wage rates, whose work is neat and tidy and who are safety conscious. Those are the kinds of people whom we want in the industry. For some time I have been in close contact with the Electrical Contractors Association, which is embarking on a quality assurance program for the electrical contractors in the State. I thank the association heartily for that. A few weeks ago in a ministerial statement I indicated that there were 20 electrocutions in Queensland in the past 12 months. That figure is more than the aggregate of the other States. That is absolutely and utterly unacceptable to me, the Opposition and to everybody who thinks about these things. We simply cannot allow that situation to continue.

A couple of days ago I spoke at some length with an electrical contractor about these issues. After he raised those issues with me, I immediately referred them to Peter Owen, my department's director of safety for the electricity industry. He has been back in contact. That person has been placed in contact with the Electrical Contractors Association, which will set up a branch in the relevant town. We will haul in all of the contractors so that we can start to see decent quality assurance measures applied to their work. I assure the House that the issues that he raised will be addressed. There is no doubt about that.

I turn to industrial relations matters concerning the electricity industry. A couple of very important issues were raised. I will answer them by saying this: I readily agree with the unions in that, in respect of this enormous change in the electricity industry, we do not want to see workers subjected to further change. They have to come to grips with enough change as it is, without challenging their awards and conditions as well. That would have been wasteful of energy and would have caused distrust and unhappiness. We have readily agreed that we would continue with the awards and other arrangements as they were; that there would be no change—none at all.

However, as part of that communication with the unions, I requested a continuation of the continuity of supply agreement that was struck by the previous Government with the electricity unions in this State as part of that award arrangement. That was a bit of a quid pro quo. I said, "Given the fact that we are sticking with all of this, we would appreciate your agreeing to a continuity of supply agreement." I have not heard back from the unions in that regard, and I am very disappointed about that. I believe that my colleagues and I acted in good faith. I am still awaiting a response, and I look forward to it being a positive one. It is absolutely imperative that we all act in good faith; that we all act in a way that serves Queensland and the electricity industry best. By having a continuity of supply agreement with the unions, I believe that is how we can best serve our State and community. I look forward with some anticipation to a positive response from the unions. I would appreciate it if members of the Opposition could help to facilitate that. I have no problem with taking a bipartisan approach on that issue.

As to depots—the honourable member for Nudgee alluded to the fact that I indicated in the Parliament that I had instructed that there were to be no closures of depots. That instruction stands. Clearly, some changes are being made to employment levels at various depots. I note that the member smiled. I will be following that up. The member should not worry about that.

**Mr Roberts** interjected.

**Mr GILMORE:** I will be following that through. I heard what the member said and I appreciate it. In any case, rather than having those people working from depots, we are getting far more advantage by having them

working from home and starting on the job, that is, if they are not starting at the depots in the morning. The Leader of Government Business is telling me to wind up.

**Mr Roberts:** What about the wage levels some subcontractors are paying their employees?

**Mr GILMORE:** Those matters are outside my jurisdiction. That falls within the industrial relations area and those contractors are private enterprise employers. They make those arrangements.

**Mr Roberts:** Do you agree with SEQEB engaging contractors who don't pay appropriate award rates and entitlements?

**Mr GILMORE:** That is none of my affair. I would appreciate it if everybody everywhere agreed to full arrangements for awards and conditions. However, under the new rules in this country enterprise agreements are struck between employers and employees, and they are entitled to do that. I have said enough about that.

The member for Gladstone raised the question, as did the three Opposition speakers, about privatisation of the electricity industry. I will respond once more as clearly and slowly as I can so that there is some understanding: privatisation of the electricity industry is not an issue for this Government. It never has been. Once again, I state what I have said before: privatisation is an issue which will be covered by future Governments in their term and in their own policy structure. That is the truth. That is the way in which the process works in this Parliament. I am amazed that members opposite continue to be surprised by the way in which the Westminster system operates. I thank all members for their contribution and for their support of the Bill.

Motion agreed to.

### Committee

Clauses 1 to 9, as read, agreed to.

Bill reported, without amendment.

### Third Reading

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

## STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

**Hon. R. E. BORBIDGE** (Surfers Paradise—Premier) (2.57 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to make various amendments of Queensland statute law and to repeal an Act."

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. R. E. BORBIDGE** (Surfers Paradise—Premier) (2.58 p.m.): I move—

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

As with past Statute Law (Miscellaneous Provisions) Bills, the primary objective of this Statute Law (Miscellaneous Provisions) Bill 1997 is the improvement of the quality of the statute law of Queensland.

The Bill makes minor amendments to 19 separate Acts and repeals one Act which is exhausted. These amendments are contained in the Schedule to the Bill. All amendments are concise, of a minor nature and non-controversial.

All amendments take effect from the date of assent unless the contrary is expressly provided. The Explanatory Note for each amended Act is placed at the end of its amendment. Each amendment to an Act is numbered and the note explaining the nature of the amendment can be identified readily by reference to that number. The Explanatory Notes are, however, not part of the Bill.

In addition to the amendments, the Bill also repeals one exhausted Act, namely, the Commonwealth and State Housing Agreement Act. All amendments and the repeal have been requested by departments.

The Statute Law (Miscellaneous Provisions) Bill 1997 will improve the quality of the statute law of Queensland by making amendments that would otherwise not justify separate legislation. The Bill provides a convenient way of dealing with the amendments sought that makes the best use of the Parliament's time. I commend the Bill to the House.

Debate, on motion of Mr Livingstone, adjourned.

## ARTS LEGISLATION AMENDMENT BILL

**Hon. J. M. SHELDON** (Caloundra—Deputy Premier, Treasurer and Minister for

The Arts) (3 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend certain Acts administered by the Deputy Premier, Treasurer and Minister for The Arts and for other purposes."

Motion agreed to.

### First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mrs Sheldon, read a first time.

### Second Reading

**Hon. J. M. SHELDON** (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (3.01 p.m.): I move—

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

The introduction of this Bill today represents an important step in the implementation of the refocusing of The Arts portfolio which I announced publicly in March this year. Whilst most aspects of the refocusing of The Arts portfolio have been implemented by administrative means, others can only be implemented through legislation. The Bill provides for the implementation of two main aspects of the refocusing of The Arts portfolio.

The first impacts upon five of The Arts statutory bodies: the Library Board of Queensland, Queensland Art Gallery Board of Trustees, Queensland Museum Board of Trustees, Queensland Performing Arts Trust and the Royal Queensland Theatre Company. The Bill amends the Acts governing these bodies so as to enable and encourage them to continue to develop a commercial focus. This will be achieved by requiring the bodies to clarify their objectives and by giving their management greater autonomy and authority. Greater management autonomy and authority will be balanced by making the statutory bodies strictly accountable for their performance.

The statutory bodies will clarify their objectives in strategic and operational plans. The Financial Management Standard 1997 already provides for preparation of strategic and operational plans and is the foundation upon which the planning regime for the statutory bodies is built. The Bill has adopted the terminology used in the Financial Management Standard 1997. I should, at this point, mention that any changes in terminology in the Financial Management Standard 1997 that are made in the future as a result of the introduction of accrual output budgeting will need to be reflected in the constituent Acts.

The hybrid planning regime reinforces the inextricable link between planning and funding by requiring stand-alone planning and funding documentation to be treated as one package of documents and together to constitute the plans. The strategic plans will include the State's agreed triennial funding proposals. This demonstrates the Government's continued commitment to, and support of, The Arts statutory bodies. Triennial funding will also enable the bodies to plan their objectives for the longer term with the assurance of continued financial backing from the Government.

The planning regime also reinforces the intention that the plans constitute performance agreements between the Minister and the statutory bodies. This has been achieved by incorporating a requirement for formal sign off of the plans by the Minister and the bodies. On the part of the statutory bodies, the formal signing off will embody the Government's formal commitment to continued financial support and the Government's endorsement of the direction management are taking. This will put to an end the frustrations experienced by the statutory bodies due to uncertainties regarding funding and will give management the freedom and confidence to turn their plans into realities.

A clearly structured process for consulting on, and agreeing to, plans is another important aspect of the hybrid planning regime. This will ensure that draft plans submitted by the statutory bodies are only altered with the agreement of the statutory bodies or pursuant to a written ministerial direction. Unauthorised interference with the statutory bodies' planning and funding submissions will be eliminated whilst still reserving to the Minister the ability to make the final determination on the plans.

Management will be given greater autonomy and authority in three main ways. The first is by removing from the Acts provisions that are prescriptive of operational matters and that management should have the freedom to decide. Secondly, any general ministerial power to control and direct is being replaced with a requirement that ministerial control be exercised in writing. This, together with the requirement that ministerial directions be included in the bodies' plans and annual

reports will ensure transparency in ministerial control. Thirdly, the bodies will have the powers of an individual subject, of course, to their functions and any express constraints contained in other Acts or their plans or imposed by written ministerial direction. This will give them the confidence to assume that they have the power to do anything in performing their functions except the things that they are expressly restricted from doing.

The counter balance to management autonomy and authority is that the statutory bodies will be strictly accountable for their performance. The Arts Office will undertake the performance monitoring role. The Bill imposes clear obligations on the bodies to provide information appropriate to keep the Arts Office informed of the bodies' operations, including the achievement of its planned goals. The Bill also contains a reserve ministerial power to request an investigation of the statutory bodies be undertaken. The investigator, who is required to be appropriately qualified, is given wide powers to direct the statutory bodies in relation to the investigation. Accountability will also be delivered by requiring the bodies' annual reports to contain information about the operational plans, enabling assessments to be made of the bodies' performance from year to year.

The second aspect of the refocusing of The Arts portfolio implemented by the Bill is the abolition of the Queensland Cultural Centre Trust. The review of the relationship between the statutory bodies and the trust revealed considerable concern about the quality of the trust's service delivery and whether the services represented value for money. Increased staffing levels did not result in any meaningful improvement in the trust's service delivery. Duplication of some roles between the trust and the bodies and the trust and the Arts Office were also observed. The abolition of the trust will streamline the portfolio. The trust's role as the coordinator of the provision of services to the bodies will devolve to the Arts Office. The administrative costs of operating the trust will be saved and reinvested in the Arts portfolio.

The Bill repeals the Queensland Cultural Centre Trust Act 1976. Saving and transitional provisions provide for the State to be the successor in law of the Queensland Cultural Centre Trust. In practice, the trust's functions will be taken over by the Arts Office. Considerable work has been done to develop procedures for service delivery across the portfolio.

The staff of the trust and other staff across the portfolio have participated in the closed merit promotional selection for restructured positions in the Arts Office, including the newly created part of the Arts Office known as the Corporate Administration Agency. The majority of the trust's staff have already taken up positions in the Corporate Administration Agency. Any staff who preferred not to remain in the portfolio have accepted voluntary early retirement packages or have been deployed elsewhere in the public sector.

I stress that no staff have been, or will be, sacked. Permission to undertake closed merit promotional selection under the Public Service Act 1996 for non-managerial staff at AO2 to AO7 levels was obtained after lengthy negotiations with unions and the Office of the Public Service. This means that staff have been able to apply for higher level positions than they currently hold without competition from the wider sector. This has given staff the best chance at securing a higher level position in the Arts Office. Career, change management and financial counselling services have been available to all staff to enable them to assess which of the available options was most appropriate for them. Job selection and interview technique training have also been offered.

The other main objective of the Bill is to modernise the Acts governing the bodies. The modernisation of the Acts is achieved by omitting outdated provisions, provisions that are superfluous or covered by other generic legislation and provisions that breach fundamental legislative principles. Provisions dealing with the same subject matter and the sequence in which the provisions appear have been standardised to the greatest extent possible.

It is anticipated that the development by The Arts statutory bodies of a more commercial focus and the refocusing of The Arts portfolio generally will result in greater efficiencies in the delivery of global information and cultural resources and experiences to the community. Any savings resulting from efficiencies will be reinvested in the portfolio so that greater efficiencies continue. The ultimate outcome will be the enrichment of the arts community and the lives of Queenslanders.

I commend this Bill to the House.

Debate, on motion of Mr Foley, adjourned.

## REVENUE AND OTHER LEGISLATION AMENDMENT BILL

**Hon. J. M. SHELDON** (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (3.10 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend certain Acts administered by the Treasurer."

Motion agreed to.

### First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mrs Sheldon, read a first time.

### Second Reading

**Hon. J. M. SHELDON** (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (3.10 p.m.): I move—

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

In the 1997-98 State Budget, I announced a number of important tax concessions which will ensure that Queensland maintains its status as the low-tax State. While regular review of tax rates and thresholds are crucial in achieving that goal, it is no less important to ensure that our tax legislation is certain and that everyone pays the correct amount of tax. Certainty in the law minimises compliance costs by enabling taxpayers to be aware of their tax obligations and to do business with confidence.

This Bill makes a number of changes to revenue and other legislation to clarify and improve its operation, remove certain anomalies and preserve a land tax concession for land developers following changes in the method of valuing subdivided land.

A recent Queensland Court of Appeal decision highlighted a deficiency in section 54AB of the Stamp Act 1894. When property is subjected to a trust by a declaration of trust or settlement, stamp duty is payable under the head of charge "Declaration of Trust" or "Settlement, Deed of Gift or Voluntary Conveyance". Alternatively, where there is no instrument chargeable with conveyance duty, section 54AB applies where a person obtains an estate or interest in land in Queensland. In either case, duty is assessed at progressive conveyance duty rates of up to 3.75% of the full unencumbered value of the property.

The Court of Appeal decision concerned an arrangement whereby valuable property was subjected to a trust without payment of duty. The absence of a dutiable instrument meant that liability to duty rested on section 54AB. However, the Court of Appeal held that this section did not apply. The duty involved was over $10m and it is likely that further substantial revenue will be lost unless the section is amended to ensure that arrangements of this kind are taxable. The amendment proposed by the Bill will apply prospectively and will also clarify that duty is payable when property is freed from a trust or transferred from one trust to another.

The land rich provisions of the Stamp Act were enacted in 1988 to overcome minimisation of stamp duty by the acquisition of shares in land rich companies instead of the acquisition of land itself. The stamp duty saving resulted because the duty charged on share transfers is substantially less than the rate which applies to transfers of land. Generally, the provisions apply where a person acquires a majority interest of more than 50% of the shares in a corporation which owns land in Queensland worth in excess of $1m and where all land of the corporation represents 80% or more of the corporation's property.

The operation of the land rich provisions requires clarification in relation to land under contract. The intention is that the provisions apply initially on the basis that a corporation is entitled to land which it has contracted either to sell or purchase but that adjustments of assessments and any necessary refunds of duty be made when the outcome of the contract is known.

While the legislation presently provides that the value of land under a contract for sale is included in the value of land to which the corporation is entitled for the purposes of the provisions, no allowance is made to adjust the assessment and refund the duty where the contract is subsequently completed. This contrasts with the case of contracts to purchase land where the legislation provides for a refund if the contract is rescinded.

The amendments in this Bill clarify the treatment of land under contracts to purchase and removes the possibility of double duty by allowing the commissioner to make reassessments and refunds once ultimate ownership in relation to land under contract for sale at the time of the land rich assessment is established.

Another area where the stamp duty legislation requires amendment to remove uncertainty is the operation of section 75 of the Stamp Act 1894 which deals with the circumstances in which the Commissioner of

Stamp Duties may make refunds in relation to spoiled, damaged or useless stamps. While the amendment will eliminate doubts about the section's meaning, it will not change the circumstances in which allowances have been allowed by the commissioner to date and is consistent with longstanding practice of the Office of State Revenue in this regard. This will be done by making it clear that an allowance may be made in the instances listed in the legislation.

Residents of mobile home parks, usually people in their senior years, have for some time been affected by a degree of uncertainty as to the stamp duty payable on purchases of their mobile homes. The doubt arises because while the mobile home may be owned by the park resident, it is located on land owned by the park owner and is transferred separately from the land. The legal issues are not straightforward with the result that the transfer of a mobile home may or may not presently be dutiable depending on the way in which the transaction is documented.

This Bill addresses this anomaly, and the attendant uncertainty, by providing an exemption for the transfer of a mobile home situated, or for situation, on a mobile home site in a mobile home park. Transfers of the right to occupy a mobile home site in a mobile home park are also to be exempt.

In these circumstances, the Mobile Homes Act 1989 clearly delineates the boundaries of the rights and obligations of a mobile home owner. In other circumstances, the rights acquired by a mobile home purchaser are not so clear. The transfer of the mobile home may, for example, form part of a wider transaction involving the transfer of land. Liability for stamp duty should in these cases be determined on the facts and circumstances of the particular transaction as the circumstances contemplated by the Mobile Homes Act 1989 do not exist.

Minor amendments are being made to clarify the operation of 1996 amendments to the Stamp Act 1894 allowing the commissioner to approve forms for the purposes of the Act in relation to certain provisions.

A minor amendment will be made to the Stamp Act 1894 to ensure that section 3IBA dealing with low exercise price options (LEPOS) applies to rights in respect of shares as well as marketable securities. The amendment is consistent with similar amendments to other marketable security provisions of the Act made in 1996 when a definition of rights in respect of shares was inserted.

Consequential amendments are also required to the Land Tax Act 1915 as a result of changes earlier this year made by the Department of Natural Resources to the method of valuing subdivided land. Developers previously paid land tax on the value of development land on an unsubdivided basis. The total value of such land would be significantly greater if each lot in the subdivision were separately valued. As land tax is calculated on the unimproved value of land as determined by the Department of Natural Resources, this change had the potential to significantly increase the land tax liability of developers and would be reflected in increases in land costs to purchasers. This Bill preserves the concessional treatment of newly subdivided land by providing that the unimproved value of land owned by approved subdividers for the year following registration of the plan of subdivision be discounted by 40%.

Minor amendments will also be made to the Financial Intermediaries Act 1996 to clarify that cooperative housing societies may provide financial accommodation to members in relation to the purchase of investment properties. It also removes minor inconsistencies within section 65, in so far as it is sought to have a level playing field for cooperative housing societies and banks within the context of those provisions. I commend the Bill to the House.

Debate, on motion of Mr Hamill, adjourned.

## TWEED RIVER ENTRANCE SAND BYPASSING PROJECT AGREEMENT BILL

**Hon. B. G. LITTLEPROUD** (Western Downs—Minister for Environment) (3.19 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to provide for the carrying out of agreements between Queensland and New South Wales for a project to bypass sand around the entrance of the Tweed River for the benefit of southern Gold Coast beaches and to improve the navigability of the entrance."

Motion agreed to.

### First Reading

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

## Second Reading

**Hon. B. G. LITTLEPROUD** (Western Downs—Minister for Environment) (3.20 p.m.): I move—

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

The objective of this Bill is to ratify agreements between the States of Queensland and New South Wales to implement the Tweed River Entrance Sand Bypassing Project. The project objectives are to improve and maintain the southern Gold Coast beaches (in Queensland) and improve and maintain the navigability of the Tweed River entrance (in New South Wales). The benefits of this unique coastal engineering venture are anticipated to include—

(a) the improvement in the safety of navigation of the river entrance with the consequent benefits to recreational boating, tourism, property values and the fishing industry;

(b) improved tidal flushing of the river estuary, improving water quality, and enhancing development potential; and

(c) the restoration, widening and long-term maintenance of the beaches, with associated benefits to tourism, recreation, property values and the reduction of erosion threats.

The project comprises two interrelated components. Stage 1 is an initial dredging of the Tweed bar and entrance area and the nourishment of the southern Gold Coast beaches from Point Danger to Kirra. Stage 2 is an artificial sand bypassing system, to operate in perpetuity. The project is located on an open, high-energy coastline subject to variable natural forces, in a highly valued environment, subject to intensive usage. The beaches are a major factor attracting tourists, and a key attribute valued by residents. Accordingly, it is recognised that this complex and unique project must be designed, evaluated and implemented prudently and in an environmentally sensitive way, if the long-term benefits are to be effectively achieved. Accordingly, it is intended that the requirements of Queensland's other environmental legislation be taken into account when implementing the project. This has been done in the environmental impact assessment studies undertaken to date.

This cooperative project has had a long genesis. From the late 1960s through to the 1980s the southern Gold Coast beaches suffered severe erosion following the interruption of the northwards longshore sand transport of half a million cubic metres per year. This led to a range of mitigative actions. In 1989 discussions were held between Queensland and New South Wales to seek a cooperative solution to the problems of beach erosion and navigation difficulties. Negotiations at that time did not produce a satisfactory result, so in 1989 Premier Ahern initiated the Southern Gold Coast Beach Nourishment Project to address the serious erosion problems being experienced from Kirra to Tugun. This highly successful, award-winning project (which was extended in April 1990 by 50%) provided 3.6 million cubic metres of sand from inactive offshore sources to substantially restore the beaches from Kirra Point to Tugun. As a result of that project, the actions subsequently required to maintain the southern Gold Coast beaches were further nourishment to complete restoration of the beaches and an assured continuing supply of sand equivalent to the natural longshore transport rate.

New South Wales wished to improve the shallow, dangerous Tweed entrance bar. Following a period of further negotiation, agreement was reached between the States to undertake the Tweed River Entrance Sand Bypassing Project, and the heads of agreement for the project was signed on 31 March 1994 by Premier Goss. A formal, legally binding deed of agreement between the States was subsequently signed on 2 March 1995. The deed of agreement requires that each State take steps to have that agreement ratified by its Parliament. The New South Wales Parliament has passed the Tweed River Entrance Sand Bypassing Act.

The project is technically and administratively unique. Under the deed of agreement, New South Wales has the primary responsibility for the delivery of the project under its role as coordinating State. Queensland has the role of support and reviewing State. I am pleased that the project is being undertaken in a spirit of cooperation to achieve our objectives. The Gold Coast City Council supports the project and contributes 50% of the total Queensland cost. The project is a major environmental management initiative to improve and maintain the valued coastal environment of the Gold Coast and Tweed area. I commend the Bill to the House.

Debate, on motion of Mr Welford, adjourned.

## ENVIRONMENTAL AND OTHER LEGISLATION AMENDMENT BILL

**Hon. B. G. LITTLEPROUD** (Western Downs—Minister for Environment) (3.23 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend certain Acts administered by the Minister for the Environment and for other purposes."

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. B. G. LITTLEPROUD** (Western Downs—Minister for Environment) (3.24 p.m.): I move—

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

This Bill includes provisions to integrate the Contaminated Land Act 1991 with the Environmental Protection Act 1994, provisions relating to approvals for environmentally relevant activities, waste management and the Nature Conservation Act 1992.

**Mr LIVINGSTONE:** I rise to a point of order. Madam Deputy Speaker, I draw your attention to the state of the House.

Quorum formed.

**Mr LITTLEPROUD:** The Environmental and Other Legislation Amendment Bill 1997 integrates the provisions of the Contaminated Land Act 1991 (Contaminated Land Act) with the Environmental Protection Act 1994 (EP Act). This provides a central piece of legislation to protect the environment in Queensland in accordance with the principles of ecologically sustainable development.

The Bill minimises red tape for protection of the environment, reduces costs to business and provides the legislative framework to manage environmental impacts under the principles of ecologically sustainable development. The Bill supports economic development by limiting lender liability for contaminated land and reduces overall costs in the development of industrial and commercial property by not requiring unnecessary remediation. Currently, the Contaminated Land Act provides the legislative framework for the management of contaminated land in Queensland and includes processes for the identification, investigation and remediation, or clean-up, of contaminated land.

Some aspects of the Contaminated Land Act have caused concern among sectors of the community. There has been a perception in the community that all sites recorded on the Contaminated Site Register are contaminated, unmanageable and require remediation. In fact, very few sites recorded on the register pose a public health or environmental risk from their current use. The confusion this perception has caused has detracted from the main objective of the Contaminated Land Act which is to provide for the ongoing management of contaminated land to ensure the environment and the community are protected.

In addition, some financial institutions have been reluctant to lend on contaminated sites, which has resulted in some outcomes which are contrary to both environmental and economic objectives. This reluctance arises from the potential under the Act for the financial sector to be liable for contamination over which they had no control. Also, the structure of the Contaminated Land Act has not adequately promoted the management of contaminated land and has resulted in some unnecessary remediation, particularly of industrial land, causing economic disadvantages to the community. It is acknowledged by the Queensland Government that this should be reviewed and that industrial land, where the proposed development poses little risk to the community and the environment, not necessarily be required to be fully cleaned up.

During the review of the Contaminated Land Act the following key issues were identified as needing improvement—

> the need to distinguish between sites which pose a real threat to the environment or public health and those that do not;
>
> reduce the "stigma" of contamination on low-risk sites that currently exists with the Contaminated Sites Register;
>
> unwarranted remediation;
>
> lender liability; and
>
> some appeal provisions.

The concerns of State Government departments, local government, stakeholders and land-holders regarding the operation of the Contaminated Land Act were considered in the development of the Bill.

In addition, further developments in international and national contaminated land

policies have emphasised the need to clearly distinguish sites that constitute an environmental risk and require remediation (risk sites) from those that are likely to have some contamination but have a low probability of environmental risk under the current use of the land (low-risk sites). Establishing a structure to recognise this distinction is addressed in the integration of the Contaminated Land Act with the Environmental Protection Act 1994.

The Contaminated Land Act will be repealed and its functions integrated with the Environmental Protection Act. This integration will benefit the community by removing unnecessary red tape through the provision of a central piece of legislation dealing with environmental management in Queensland. The amended Environmental Protection Act will incorporate the many positive features of the Contaminated Land Act as it has incorporated the responsibilities of several other pieces of environmental legislation.

The Bill adopts the concept of site risk management through the incorporation of two registers for the recording of land. The Bill distinguishes between sites which are likely to be contaminated but have a low probability of risk to human health or the environment under the current land use (low-risk sites) and those which constitute a risk to the environment and require clean-up (risk sites). This separation of sites on a risk basis promotes the appropriate level of management of contaminated land and improves the communication of contaminated land information to the public. Low-risk sites will be recorded on an Environmental Management Register. The EMR, as it is called, records land which has been used for an activity which is likely to cause land contamination, a notifiable activity, or land which has been shown through an investigation to have some contamination. These sites do not constitute a risk to human health or the environment under the current use of the land.

The vast majority of sites currently recorded on the Contaminated Sites Register of the Contaminated Land Act will be recorded on the EMR, removing the "stigma" associated with contamination for low-risk sites. Risk sites will be recorded on a Contaminated Land Register. Sites are to be recorded on the Contaminated Land Register where a full investigation and assessment of the risks to human health and the environment has determined the site to be a risk site. Such sites will require remedial action as the risk to the public or the environment is unacceptable. Risk sites are likely to be subject to remediation notices issued by the Department of Environment. Based on past experience it is expected that very few sites will be recorded on this register and most sites will only be listed for the time taken to effect remediation.

If the land use changes to a more sensitive use, for example from industrial to residential or child care use, then an assessment is required to ensure that human health and the environment is protected. The EMR and CLR, in conjunction with triggers in the existing Local Government (Planning and Environment) Act 1990 and the proposed integrated planning legislation, provide for the effective investigation and management of such sites through town planning approval processes.

In keeping with the focus on management of land contamination, the Bill establishes site management plans to enable land, recorded on the EMR and which has some contamination, to be used subject to plan conditions. These plans will provide considerable savings for industry and obviate the current tendency to remediate industrial land to unnecessarily high standards. Appeal provisions were limited in the Contaminated Land Act. The Bill removes those limitations and provides review and appeal provisions for dissatisfied persons such as landowners and persons required to remediate land.

The contaminated land part of the Bill contains seven divisions. Division 1 defines the owner of land for the purpose of this part of the Environmental Protection Act. Under this part the owner of land has certain rights and responsibilities. The Bill also limits the circumstances in which the mortgagee is the owner of the land. The mortgagee is the owner of the land where they have the exclusive management and control of the land.

Division 2 describes the process whereby land is notified to the administering authority (the Department of Environment), usually by local government or the landowner, and recorded on the Environmental Management Register (EMR). These provisions are similar to existing responsibilities of local governments under the Contaminated Land Act.

Division 3 describes the process where a site investigation is carried out on land that is recorded on the EMR, and a report about the investigation is submitted voluntarily to, or required by, the administering authority. In considering the report, the administering authority decides whether or not to remove the

land from the EMR, place it on the CLR or require a site management plan to be prepared.

Division 4 outlines the procedures for the remediation of contaminated land. The Bill is consistent with the principle of polluter pays. However, if the person who caused the contamination is unknown, there are provisions whereby the owner may be responsible for clean-up costs.

Division 5 describes site management plans which are designed to manage on-site contamination and enable contaminated land to be used subject to conditions which protect human health and prevent environmental harm. They also have particular benefits to commercial and industrial land by ensuring that development capital is not wasted on unwarranted clean-up. Site management plans enable contaminated land to be managed within the principles of ecologically sustainable development.

Division 6 outlines the notification requirements for land that is recorded on the contaminated land register. Division 7 provides for the maintenance of the Environmental Management Register and the Contaminated Land Register. This division also describes the disposal permit required to remove contaminated soil. The Government is striving to reduce the burden of environmental licensing, particularly the impact upon small business. In this regard the Government has already taken several steps to ensure the cost of meeting environmental requirements is fair.

In July this year I put in place an incentive licensing system, which allows waiver of application and licensing fees where the risk of environmental harm is insignificant. This scheme has now been widely adopted by local governments and by the Department of Environment. More recently, the Department of Environment has engaged a consultant to carry out assessments of the environmental risks associated with all environmentally relevant activities, and the resulting report has demonstrated that many of the activities carried out by small business pose a very low risk to the environment. I will be bringing forward proposals to draft a new regulation under the Environmental Protection Act that will include reclassification of some of the environmentally relevant activities from a level 1 to a level 2. The new level 1 approval provisions in the Environmental and Other Legislation Amendment Bill 1997 will allow further reduction in licensing requirements. These provisions allow an administering authority to decide whether an activity in fact needs to be licensed. The holder of a licence needs to satisfy a number of criteria in order to apply for a level 1 approval. These include where an operator has held a licence for more than two years and has achieved a high standard of environmental management and that the risk of environmental harm is insignificant.

If the administering authority becomes aware that the risk of environmental harm is no longer insignificant, or the operator has been found guilty of an offence under the Act, or that false or misleading information has been tendered to support the application, then the administering authority may suspend or cancel the level 1 approval. If an operator seeks a level 1 approval, the operator needs to make an application to the administering authority. This means that the operator will have the full benefit of the review and appeals provisions under the Act. In this way fundamental legislative principles are protected.

Reducing the number of environmental licences will have negative impact upon the income of local governments in particular, as the activities which they tend to licence are small businesses. In cases where local government has employed an environmental health officer through funding from licence fees, alternative arrangements may have to be made to share resources with other councils in the region. However, the bottom line is that if the environmental risk is insignificant, then environmental licence fees should not be seen as a basis for growth in the number of local government employees.

There has been some concern that local governments may not have the jurisdiction to license certain environmentally relevant activities. The territorial jurisdiction of local governments extends to the high-water mark, however two environmentally relevant activities are undertaken beyond the high-water mark, which is part of State Government territorial jurisdiction. This Bill will clarify that local governments have the territorial jurisdiction to administer and enforce the Environmental Protection Act in relation to environmentally relevant activities which extend beyond the high-water mark. Under the Environmental Protection Act the Minister is able to approve codes of practice. Codes of practice currently have the status of subordinate legislation, which means that the Parliamentary Counsel must draft them. Codes of practice are documents prepared by industry, set out in the language understood by operators. Codes indicate practices which are to be followed in

order to meet the general environmental duty. I believe it is important that the approved codes retain language easily understood by users. For this reason I am introducing an amendment which will allow the codes to be approved by gazettal, overcoming the need for the Parliamentary Counsel to draft them.

The amendments to the Environmental Protection Act 1994 in relation to waste management are necessary to allow for the later implementation of the proposed Environmental Protection (Waste Management) Policy and associated regulation in regard to litter and to amend approvals by local government for waste management works. In regard to litter, the amendment will provide for the regulation making power to be widened to cover littering on all places, not just public places. This will allow control over litter on private property where it is not wanted and has the potential to pollute the general environment by wind or water action.

The proposed amendments in regard to waste management works approvals by local government will ensure consistency in local governments' approach and not place unnecessary financial burdens on the private waste sector, particularly small business. Currently, waste activities that require a licence under the Environmental Protection Act also require a waste management works approval from the local government for the area in which the works will be carried out. Charges for local government approvals have been inconsistent, ranging from no fee to an initial $1,600 application fee and $1,600 per annum. For operators of waste management works, this constitutes a "duplicate" fee and, where the generator has works in several local government areas, there is a considerable cost impost. In addition, it is possible for the misuse of waste management works approvals by some local governments through using high fee charges as a barrier to entry to the waste market in their area. To overcome the inconsistency in approval fee charges, the duplication of charges and the possible misuse of approvals, it is proposed that a maximum fee will be set by regulation. The determination of the fee will be made in consultation with local government to reflect the true costs incurred by local governments in granting approvals.

A number of waste transporters from the private sector who only transport waste through local government areas on their way to waste treatment and disposal facilities have had to pay waste management works approval fees to each local government. Key stakeholder consultation with local government and members from the private waste sector agreed that no fee should be imposed on those persons who only transport waste through a local government area. Under the amendment waste transporters will still need an approval from the relevant local government so that local governments will know who is transporting through their area and so assist in investigations involving illegal waste dumping.

As stated previously, many waste environmentally relevant activities require local government approval as waste management works. Environmentally relevant activities require a licence, generally issued with conditions, to operate legally. Local governments currently have the ability under the Environmental Protection Act to impose their own conditions as part of their approval. The imposition of conditions by local government in addition to licence conditions was viewed as unreasonable by the private waste sector as there was frequent conflict in the conditions imposed by local governments. The amendment will prevent local governments from imposing conditions of approval on waste management works that are ERAs but, to ensure specific local government concerns are adequately addressed in licence conditions, Department of Environment staff will consult with relevant local governments prior to preparing any licence.

To address the possible confusion over the authority to deal with waste management works on land subject to a mining authority, the Bill clearly exempts such works from local government approval processes. This retains the one-stop shop approval to deal with authorities on mine sites. The proposed amendment to the Nature Conservation Act 1992 ensures the original intention of the legislation prevails by providing jurisdiction in relation to protected plants on all land in Queensland. I commend the Bill to the House.

Debate, on motion of Mr Welford, adjourned.

## CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

### Committee

Resumed from 28 October (see p. 3932)

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

**Mr FOLEY** (3.41 p.m.): I move the following amendment—

"At page 8, after line 2—

insert—

'(db) a person or body of persons engaged by the Queensland Corrective Services Commission under the Corrective Services (Administration) Act 1988, section 19(2)(f), in conducting operations for that commission under the engagement; or'."

This amendment would enable private correctional facilities to be brought within the scope of examination of the Criminal Justice Commission. The legislation presented by the Government creates an anomaly: it enables the Queensland Corrective Services Commission, that is, public sector correctional facilities, to come under the spotlight of accountability through the Criminal Justice Commission but turns a blind eye to the private correctional facilities.

There is no good reason in public policy why there should be such an anomaly. Accordingly, the Opposition moves that there be inserted a provision to include a person or a body of persons engaged by the Queensland Corrective Services Commission under section 19(2)(f) of the Corrective Services Administration Act 1988 in conducting operations for that commission under the engagement.

It may be said that these bodies operate on a contractual basis with the authorities. However, it is important to remember that they carry out public duties and public functions and that they should be properly accountable. The issue is not whether or not they should be accountable—I am sure the Government would not want to urge upon the Chamber that these bodies are beyond the proper scope of any accountability—the simple question is: who is to do it? The Government says that it is good enough for the public sector correctional facilities to be within the supervision or under the scrutiny of the CJC. If it is good enough for the public sector, it is good enough for the private sector.

We are talking about ensuring that there is accountability in respect of one of the most important responsibilities of any Government, namely, the care for persons in custody and ensuring that proper standards of correctional service administration are maintained.

**Mrs CUNNINGHAM:** I have a question of the Minister. I accept what the shadow Minister has said: there should not be an anomaly in accountability. If those people who are incarcerated in publicly administered prisons have access to the CJC to lodge complaints, then so should people who are incarcerated in private prisons. My question is whether incorporating this requirement in the Bill at this time would compromise in any way the private agreements that have been signed with the prisons. If the answer to that is yes, then I ask the Minister: are there any contingencies that the Minister has in mind to afford a right of appeal to prisoners in private prisons? If so, when would that be brought into being?

**Mr BEANLAND:** Although the member for Yeronga did not indicate it, this issue has been around for a long time. Unfortunately, no-one seems to have done the necessary and appropriate homework that the issue requires. Some time ago, the Parliamentary Criminal Justice Committee raised this issue. I indicated in a ministerial response to a PCJC report that was tabled in this place that I believe that the issue of whether the Criminal Justice Commission should have jurisdiction to investigate allegations of official misconduct in privately run correctional institutions and, more generally, in other bodies from which the Government purchases a wide range of services is a question worthy of detailed consideration. I say that because the point that was raised by the member for Gladstone of how it could compromise contracts and such things, and also the broader ramifications of the matter, need to be investigated thoroughly.

I believe that the amendment raises a range of general issues about the extent to which private sector bodies that provide services to the Government should be the subject of public sector accountability requirements. That is certainly not a simple issue. That is why I have asked the Parliamentary Criminal Justice Committee to give full and detailed consideration to the matter. No doubt, public submissions on this issue should be received because this whole complex issue could well have unforeseen ramifications. I believe that it is not the straightforward issue that some might believe it to be. There is not a simple solution to this matter. I believe that it is a complex issue.

Nevertheless, if a private prison should be covered by the CJC, then should not also general private contractors that provide other essential Government services be covered? I

indicated in the ministerial response to the PCJC report, which was tabled in Parliament, that it is a question that is worthy of detailed consideration and recommendation by the PCJC. I am concerned about unforeseen circumstances. The issue of whether the Criminal Justice Commission should have jurisdiction to investigate allegations of official misconduct in privately run correctional institutions and more generally in other bodies from which the Government purchases a wide range of services should be looked at specifically in closer detail.

As I said, this issue has been around for some time. It is not a new issue. However, it is quite clear to me that the matter has not been looked at in the detail and in the structure in which it needs to be looked at so that the Chamber can then make a determination, being fully aware of all the ramifications and the facts surrounding the matter. I think that it is important that we do not end up with unforeseen ramifications or circumstances, particularly with regard to private prisons. After all, private prisons are very important and I would hate to see a problem arise following a decision made by this Parliament, such unforeseen circumstance not being recognised at the time that the decision was made.

For that very good reason I have asked that the matter be further considered by the PCJC, which I understand is currently looking at recommendations, changes and other issues that it may want to raise. The committee can look specifically at this matter and consider public submissions in relation to it, so that a full and detailed report can be forthcoming.

**Mr BARTON:** I have some concerns with the position that the Attorney-General has just put. Very clearly, he makes what I can only describe as an excuse to explain why the matter has not been looked at, because someone has not done their homework, even though it has been here for some 18 months.

**Mr Beanland:** I notice that you didn't do anything about it. You sat there and got fat on it. He sat there and didn't do a thing about it.

**Mr BARTON:** I rose fairly quietly to make a contribution, but if the Attorney-General wants to be belligerent, I can meet him with fire.

It is a fact that the Government, which includes the pretend Attorney-General in whom this Parliament has no confidence, consistently spends public money on advertising that it is getting on with the job. However, in the 18 months that the coalition has formed the Government—indeed, it crept into power under false pretences via the Mundingburra by-election—the Attorney-General says that there has not been time to look at this issue. That has not stopped the pretend Attorney-General from introducing legislation to dramatically change relationships in a whole range of areas, not the least being this Bill which affects the Criminal Justice Commission and other issues in such a way that will, frankly, disgust the public of this State. The Attorney-General claims that he is getting on with the job. This recommendation has been in front of him for 18 months, yet he introduces a Bill into this place and then claims that he has not had time to consider all of the issues related to it. There are some very important factors at stake.

As the shadow Minister for Corrective Services, a continuous trail of prisoners write letters to me, even though they know that those letters will be checked before they are mailed. A continuous trail of the families and friends of prisoners beat a path to my door or phone myself or my staff to discuss many issues that need to be looked at by the Criminal Justice Commission. Some of those prisoners are very concerned about their future, and even their security grades in prison, if they are seen to be rocking the boat by coming to me as the Opposition spokesperson.

I agree with the proposal to put State-run correctional facilities under the purview of the Criminal Justice Commission so that it can look at such issues of complaint. From the nature of the complaints that come to me, I can assure the Committee that it is very clear that there are issues of corruption and misconduct that should be investigated. Presuming that the legislation is passed, those issues will be able to be investigated within State-run prisons through the corporatised body known as Queensland Corrections.

However, the Attorney-General cannot put forward a good reason for any delay, although he has bleated some pathetic excuses for why he cannot avoid such a delay. He will kick the issue back to the Parliamentary Criminal Justice Committee, even though it has already looked at it and made a very clear recommendation to the Attorney-General. If there are going to be privately run facilities in this State, there should be an even playing field—using the Government's own rhetoric—between private facilities and State-run facilities.

The Attorney-General has indicated that it may compromise some contracts. As we change legislation in this place, many things impact on people and make it necessary for them to change their personal contracts because they have to comply with the law of this State. The guns legislation was a perfect example of that. Many people purchased firearms in good faith. Most members of the Parliament agreed that that had to change substantially, and we took steps to ensure that people had to comply with the new legislation. I assure honourable members that, from my perspective as the person who sees a great many of those issues coming through, it is simply not good enough to say that we will look again at the issue because we have not had enough time. What a pathetic effort! It is no wonder that the Parliament has no confidence in the pretend Attorney-General.

I do not want to steal the thunder of the member for Gladstone, but I thought that part of her question to the Attorney-General was fairly clear. She asked what sort of time frame is involved. The Attorney-General claimed that the current contracts are so tight that they cannot be interfered with, that people cannot be made to comply with the law of the land and that we cannot change the law of the land to set up an even playing field. The Attorney-General did not even try to answer the question. I jumped twice trying to get the call before the Attorney-General, but the Chairman did not see me. I do not know how he missed me.

**The CHAIRMAN:** Order! I have a discretion to allow the Minister to answer a question as it is asked. The member will certainly get every opportunity to speak. The member will proceed.

**Mr BARTON:** I thank you, Mr Chairman, for that undertaking. I assure you, Mr Chairman, that I will be jumping. I may be jumping a little more if I am ignored.

**A Government member** interjected.

**Mr BARTON:** I will not apologise because I jumped twice. It is my right to speak in the Parliament.

**Mr FitzGerald:** It's not your right to get the call if the Minister gets the call.

**Mr BARTON:** The Leader of Government Business can have his view. A question was put and the Attorney-General has not even attempted to answer it. I make the point again: it is simply not good enough to say that we are going to kick it back to the PCJC because it might interfere with contracts. We are not talking about resources being used by private providers. A month ago we amended the Corrective Services (Administration) Act to consider those employees to be employees of a unit of public administration. Frankly, that is how they should be considered when they are providing services that would otherwise be provided by State-run correctional facilities. The Minister needs to answer that issue a little more fully than he did before.

**Mr J. H. SULLIVAN:** I rise to speak about a couple of issues in relation to this point. In his response to the amendment moved by the member for Yeronga, the Attorney-General indicated that he felt that this was a matter that needed to be investigated more fully by the PCJC. Like the member for Waterford, I understand that that committee has already looked at it and responded to the Minister. Not being a member of that committee, I can only——

**Mr FitzGerald:** Not on this particular one.

**Mr J. H. SULLIVAN:** Okay. The Minister tried to relate this issue to all manner of contracts between outside bodies and the Government, and not simply the system of looking after people who have been incarcerated by the State. Private prisons are doing the State's dirty work. By not allowing private prisons to be opened to the scrutiny of the CJC, the Government is allowing them to do the State's dirty work in the dirtiest possible way.

I understand that people who are imprisoned in State-run institutions through Q Corr have been able to make complaints through the CJC since 1 October. Persons who are imprisoned in private-run prisons contracted to the State do not have that right. What about a person who is currently at one of the private-run prisons but who would like to make a complaint about something that occurred at a State-run prison? Is that person prohibited from making that complaint? We need to know these things. Why is there a differential right expressed for people who are in incarceration? As we move them around from prison to prison, could we be using the system to prevent the making of complaints? These are very serious matters.

The amendment moved by the shadow Attorney-General is of such a simple and fundamental nature that it can be accepted by the Committee. I do not believe that there needs to be a delay and that prisoners' rights need to be looked at differentially because the Attorney-General has a concern about somebody who is supplying pencils and pencil sharpeners to the State stores on contract. These things are not similar or identical. We

are talking about human beings. They may be imprisoned human beings, but they are still human beings. Through this Bill we are giving one group a right that will not be given to another group. I urge members of Parliament to support the amendment, because I believe that in the interests of fairness all prisoners, no matter where they are incarcerated, should enjoy the same rights. Once the court has sentenced them, they do not have a choice as to where they will serve that sentence. They should not be punished further by being sent to one prison rather than another.

**Mrs CUNNINGHAM:** An important point has been made, that is, the contracting of these services to Government is different from the contracting of other services in that in this case we are talking about people. That is one important distinction. I seek a second point of clarification in relation to the amendment. Is the right of appeal, the treatment of prisoners and a standard of treatment specifically included in the contract with the private provider, in which case a breach could occur? I find it difficult to accept that the standard of care required in State-run prisons is significantly different, particularly with regard to matters being appealable to the CJC, from the standard of care required in privately run prisons. Is that specifically mentioned in the contract? If it is not, no breach can occur.

**Mr BEANLAND:** As I understand it, this matter goes back to 1991 when this whole issue was first raised by the PCJC in recommendations covering Corrective Services. We have three privately run prisons in this State, two of which were established some time ago under the former Government. Clearly, we have an issue about whether or not the private prisons ought to be covered in this situation, and how this might affect the running of private prisons.

As I understand it, inmates in private prisons can make a complaint to Corrective Services officers, and there is a police unit which investigates these complaints. Prisoners in Government-run prisons were treated the same way in that respect until recent changes to the legislation went through this Chamber. Prior to that time, the situation was the same in both cases. The changes to the Corrective Services legislation brought about that change.

The member for Gladstone raised the issue of contracts in respect of prisons. As I understand it, the contracts are confidential. This matter would have to be raised with the Minister for Corrective Services. I am not aware of the exact way in which private prisons function and how those contracts are drawn up. Although the PCJC has looked at the issue as a matter of principle, that is not the argument. The issue is that I am sure that it has not looked at the details, as is required, in relation to this matter to see what effects there might be should an amendment such as this transpire.

We can stand up in this place and say that it will have no effect, but we do not know that. It may well have some unforseen effect. That is the reason why in responding to the PCJC earlier I asked that it might conduct a more thorough investigation into the matter. Although the issue has been around for some time, it is apparent that a detailed and in-depth analysis needs to be undertaken in relation to this issue so that one is not tripped up. This is a matter in respect of which I believe it is appropriate for the PCJC to seek public submissions and go from there. I for one do not intend to be party to some unforeseen circumstances in respect of this issue. This is not a new issue; far from it, it is a very old one. However, it has not been looked at in the detail and in the manner in which it needs to be looked at if we are to ensure that no unforseen circumstances arise.

**Mr NUTTALL:** I wish to clarify this matter with the Attorney-General, given what he said in the debate last night. As members would know, I am a member of the PCJC. I checked with the secretariat whether the committee made a submission to the Attorney-General regarding this matter when he invited the committee to make comments on the Bill. My recollection is, and material that I studied last night and today would indicate, that on 30 September this year the parliamentary committee indicated to the Attorney-General that it felt that private prisons should be covered and monitored by the Parliamentary Criminal Justice Committee.

I fail to see why the Attorney-General is now saying, "Now that we have your view on that, we would be keen for you to investigate it a little further and conduct public hearings." I question the Attorney-General in that regard. If the Attorney-General is saying, "Yes, we do want the CJC to cover Government-run prisons, but we want the PCJC to investigate privately run prisons further", it is like having two bob each way. I do not think that is an appropriate response. If the Minister has made the decision to say, "Yes, the CJC can look after public prisons", he should bite the bullet and decide that it can look after private prisons. He should not flick it back to our committee, try to hide behind us and use us to

get him off the hook by saying that we should look at it down the track.

The Attorney-General knows as well as I do that, if the committee goes down that path and conducts public hearings, that will take time. We are now at the end of October. That report would not come to the Parliament until at least February. Then his department would have to review it and give consideration to some amending legislation. We could be looking at May or June next year before anything would happen with respect to those privately run prisons. I do not think that is an acceptable response from the Minister. I do not believe that the Minister should be asking the committee to conduct detailed investigations when his department has already made a commitment to look after the public prisons.

**Mr BARTON:** Again, I do not find any comfort in the response by the Attorney-General. He has indicated that if complaints are made to the Queensland Corrective Services Commission, and if it is believed they are worthy of investigation, the Corrective Services Investigation Unit, or the police attached to Corrective Services, can investigate them. That is the current position in respect of State-run prisons. This Bill seeks to amend the legislation to allow the CJC to have jurisdiction to investigate those complaints, yet the Attorney-General is not prepared to do that for the prisons in the private sector.

There are some fundamental issues here. The inmates do not have any say about to which prison they are allocated. When we were here three weeks ago, I placed a question on notice—and I am still waiting for an answer—about one incident of that very nature. For example, a prisoner had his security classification raised and was transferred instantly from the Woodford correctional facility to Borallon. He was transferred from a Queensland Corrections prison—a prison that is run by the State and which will be covered after this legislation goes through, in that the CJC will be allowed to have a look at certain matters concerning those prisons. However, the prisoner in this example was transferred to a private prison—Borallon—as part of this exercise. I am still waiting for an answer from the Minister for Corrective Services to that question. It appears that he was transferred because he was running an arts program for Aboriginal inmates of the prisons and he had had some contact with people from 4ZZZ, one of the sponsors of that arts program.

There is certainly a regulation that prevents prisoners from speaking out about issues in the media. However, this prisoner was not speaking to members of the media in the context of raising issues and complaining; he was speaking to them on a community-based program that 4ZZZ, along with other people, was involved in. It would appear to me that in terms of any capacity for the CJC to investigate that incident, it might well be possible for it to hide incidents and investigations of that nature simply by transferring a prisoner from a Q Corr prison to a State-run prison. In that incident—and I am waiting for a response in relation to it—I understand that a person who is a prison officer and who also runs a private investigation agency on the side went to 4ZZZ. He left his private investigator business, saying that he was seeking 4ZZZ's log-on tapes to try to check whether or not this person was actually talking on 4ZZZ.

The Minister talks about these investigations being adequate. In my view, at least that one proved to be totally inadequate. It would appear that incidents of that nature might not be able to be properly investigated even under the provisions of this Bill simply because of a transfer from one prison to another. It is not the same situation that applies to people who are contractually building roads, providing stores, building bridges or other State institutions. As the member for Gladstone quite rightly said, here we are talking about people who are being incarcerated, who have no real control over their lives and who at the will of the Queensland Corrective Services Commission can be shifted from one prison to another. The Minister heard the PCJC express its views on its current position when it went before him. The issue is before this Parliament right now and I urge the Attorney-General to accept the Opposition's amendment.

**Mrs CUNNINGHAM:** I have one last question by way of clarification. It is my understanding that February 1998 is the date that has been requested for the PCJC to report back to Parliament on this issue. I support the issue and the need for equity as far as the appeal rights are concerned. I am concerned, though, that we do not knowingly place an amendment in the Bill that would breach a fundamental of a contract between the Government and a private prison. Again, the Minister's department has advised me that there is a risk that that would occur. I do not understand that because we are talking about someone's right to reasonably fair treatment.

I seek the Minister's comment on his specific advice from the Corrective Services people that, if this appeal right was given equally to private prisoners and public prisoners and if it does not breach the contracts with the couple of private prisons, an amendment will be brought in during the next sittings of Parliament to correct the anomaly. I seek the Minister's comment on that.

**Mr BEANLAND:** A number of issues have been raised. I am sure that public hearings would not throw light on these contracts. In many cases there might be individual contracts with these prisoners. That is how the system works. The member opposite would have better knowledge of this because he would have been in Government when some of these contracts were approved. Nevertheless, I am concerned about this breaching of contracts. I have not been privy to the contracts and I am not sure of their details.

In reply to the member for Sandgate—I indicated the position quite clearly in my response that I tabled in the Parliament a couple of weeks ago. This whole issue has been raised a number of times and I went into it in some detail in that response.

To move on to the point that the member for Gladstone raised—if it can be shown that there are no problems with the contracts that we have, as far as I am concerned there is no reason why private prisoners should not be included in this particular section. However, I want to make sure that there is no breach of contract. Secondly, by that time I would hope that the PCJC has looked at some of the broader issues which I also indicated need to be looked at and on which some decisions need to be made. I am happy to give an undertaking to the Chamber that when the PCJC comes back to the Parliament in February/March we will proceed. Considering the fact that those on the opposite side of the Chamber did nothing about it for five or six years, I would certainly be happy to look at that in the new year. If it is in order, we will get on with that particular section.

I would have thought that those opposite would have had some faith in the contracts which their Government negotiated with those private prisons. Obviously, that is not the situation. Complaints were lodged and an inquiry was held recently in relation to that. Of course, they have not come to light because that inquiry ceased. So a range of issues are involved in this matter. I am happy for the PCJC to look at it and report back to the Parliament. Then we can get on with it early in the new year. I think that answers the point raised by the member for Gladstone.

**Mr FOLEY:** What a difference a day makes! The Attorney-General's argument on the very first issue that the Opposition raises is that this requires further attention from the Parliamentary Criminal Justice Committee. It had such a ring to it, it sounded such a compelling argument and it seemed so familiar that I swear I could have put that argument myself here just 24 hours ago. Now on the very first issue that arises in the debate on the clauses, what does the Attorney-General say? That this needs further investigation by the Parliamentary Criminal Justice Committee! I say to the Attorney: if he wants to send away this Bill to the Parliamentary Criminal Justice Committee lock, stock and barrel for full public submissions and full public hearings, the offer still stands and we will have it back here in February. What a remarkable transformation!

I wondered what was special about today that would make the Attorney-General suddenly see the need for full consultation. Today is the anniversary of the nobbling of Ken Carruthers. Today is the anniversary of the resignation of Mr Carruthers, QC. It is the anniversary of the occasion on which this Minister was responsible for the Connolly/Ryan commission's nobbling of Carruthers in order to get Premier Borbidge and Police Minister Cooper off the hook.

**Mr BEANLAND:** I rise to a point of order. I find the remarks offensive and untrue, and I ask for them to be withdrawn.

**The CHAIRMAN:** Order! The Minister finds the remark offensive and has asked for it to be withdrawn.

**Mr FOLEY:** If the Minister is not responsible for his portfolio, who is?

**The CHAIRMAN:** Order! Standing Orders require that you withdraw.

**Mr FOLEY:** In deference to your ruling, Mr Chairman, I withdraw. On this anniversary of the nobbling of Mr Carruthers, QC, the Attorney relies on two arguments. He says that this is an old issue and that it has been around for a long time, but that there has not been enough time to explore this aspect of it. That is his first argument. It sounds contradictory; it is contradictory. His second argument is that there is a breach of contract involved. He then goes on to say that he is not aware of the terms of the contract. It must be the first time in legal history that such a candid pleading has been made by anybody relying for their cause of action upon the breach of

contract. Not only does he not particularise the term or the condition which is said to be breached, but he admits frankly that he does not even know the terms of the contract; but, if there is a contract, he thinks it will have been breached as a result of this amendment which he has not had time to explore despite the fact that it has been around for a long time. What a joke! What a shambles! What a disgrace! This proves what the Opposition has said all along: this legislation has been cobbled together with indecent haste. It is not the fruit of a proper process. It is a brazen attempt to save face. It is flawed from beginning to end. The shambles of an argument to which the Attorney-General has been obliged to descend must drive home to the backbench of the Government what a miserable state of affairs they are in.

**Mr BARTON:** Thank you. I want to clarify a few things and, for the benefit of the Attorney-General, I want to reiterate a few of the points I have previously made. This is what happens when we have rushed consultation on a proposed Bill that is rushed into the Parliament. This is no different from what the Government has done with the Crime Commission. The discussion paper was out for a very short period of time because the Attorney-General is trying to have two bob each way. He wants to kick it back to the PCJC. I share the shadow Attorney-General's cynicism on that because the Attorney-General did not want the PCJC to have anything to do with this legislation when he was preparing it. He was doing it himself after Connolly/Ryan was knocked over by the Supreme Court.

The Attorney-General knows the position of the PCJC because, as part of his recent rushed consultation, the PCJC wrote back to him and told him of its position. The committee told him that it believed that the private sector prisons should be included. That has been the consistent position of the PCJC from the first PCJC, from the second PCJC—of which I was a member—and from the current PCJC. The current PCJC put that position to the Minister in recent weeks as part of his consultation process. It is the responsibility of the Attorney-General to look at all of those submissions and to weigh them up properly. The fact that he cannot answer those issues today shows that he did not consider it properly, that he did not do his homework, and that he did not weigh up the position that has been put to him by the current PCJC—and put to his department by every PCJC since 1991. The Attorney-General can try to have two bob each way, but it simply will not wash.

I made the point—and the Leader of Government Business gigged me about it—that the Bill is before us today and we should handle it today. I made the point that if clause 5 is going to be voted on today, the amendment moved by the Opposition should be considered and, if a decision is to be made, that decision should be made today. I also made it very clear that I share the shadow Attorney-General's view that, if the Attorney-General has suddenly decided that he wants the PCJC to be thoroughly involved in a review of the Criminal Justice Commission, it should go back to the PCJC lock, stock and barrel so that it can hold public hearings on the entire range of proposals that are before us today, including the issue of private prisons.

All of us in this Chamber today know—although some will not admit it—that that is where it should have been in the first place. It should not have come out of Connolly/Ryan. The Government should not have said, "We will ignore our electoral promise that we will have an inquiry." The Government ran an inquiry that was found by the Supreme Court to be biased and was overturned. The whole issue of a review of the CJC should have been given to the PCJC, as provided by the Criminal Justice Act. Instead of that, the Attorney-General has rushed in here and has indulged in a very quick consultation process which did not allow anyone to get back to him with proper feedback. The Parliamentary Criminal Justice Committee got back to the Minister with the position that has been consistent with every PCJC since there has been a PCJC.

Virtually every day, contracts everywhere are affected by changes to the law. When the law changes we all have to comply. Some of it is subordinate legislation by regulation and some of it is by statute. It would be a cost impost on the CJC to have to investigate issues coming out of those two private prisons, not a cost impost on the private prison operators themselves. I urge the Attorney-General to reconsider his position on the Opposition's amendment and support it.

**Mr J. H. SULLIVAN:** It does not surprise me that the Attorney-General treats this Parliament with contempt, given that a motion of no confidence was passed in him by this Parliament. The Attorney-General's answer a short time ago was another instance of him treating this Parliament with contempt. In his response he told us that the issue of differential treatment for prisoners in private prisons versus prisoners in State prisons had been around for a little while. He indicated that

a matter of weeks ago there was correspondence with the Parliamentary Criminal Justice Committee.

Against our wishes, the Attorney-General introduced legislation into this Parliament which has attached to it Explanatory Notes that say nothing of the issue that the Attorney-General admits to knowing was around. It is an issue which has some bearing on the fundamental legislative principles as they are set out in the Legislative Standards Act. This is another Act for which the Attorney-General has thorough contempt. The Attorney-General has knowingly brought a false document into this Parliament. That is the problem.

Let us talk about the issue that is before us now. The Attorney-General has provided the Parliament with an amendment to bring prisoners in private prisons under the same protection which is afforded to prisoners in State prisons. The Attorney-General is saying, "No, we can't do this because it might breach an existing contract. I want the Parliamentary Criminal Justice Committee to spend another four months working out this one point." The PCJC could spend four months having a look at the whole Bill and obtaining public submissions on a whole range of matters which are even more contentious than this one. That is something the Attorney-General will not do.

I have a suggestion that, based on the argument the Attorney-General has given us today, he cannot refuse. I suggest that we attach to the end of the shadow Attorney-General's amendment the words "in so far as it is not consistent with the provisions of any contract signed". The shadow Attorney-General, who knows a little more about the law, is frowning, but the issue is that this Parliament can provide for equal treatment to be given to prisoners and, at the same time, can protect contracts that exist between the State and the operators of private prisons. This can be done. I believe that we should not go away from here today until we have done it.

**Question**—That the words proposed to be inserted be so inserted—put; and the Committee divided—

**AYES, 41**—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

**NOES, 41**—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

Pairs: Elliott, Goss, W. K.; Harper, Smith; Malone, D'Arcy

The numbers being equal, the Chairman cast his vote with the Noes.

Resolved in the **negative**.

Clause 5, as read, agreed to.

Clauses 6 to 14, as read, agreed to.

Clause 15—

**Mr FOLEY** (4.34 p.m.): I move the following amendment—

"At page 12, lines 18 to 22—

omit."

The Government's Bill introduces a PCJC veto on legal practitioners conducting hearings on behalf of the CJC. That means that either political party can effectively veto a practitioner appointed by the CJC to carry out a hearing under the provisions of section 25 of the principal Act. In its submission to the Government, the CJC has raised concerns that that tends to compromise the independence of the CJC and subject it to political influence or direction in a way about which it expresses considerable concern. The Opposition's amendment deletes the would-be new subsection (3) to be inserted by the Government's Bill.

**Mr BEANLAND:** We are opposed to this particular amendment. What we are doing here is bringing into line those people, other than the chairman, who conduct public hearings. After all, the chairman is appointed with the bipartisan support of the PCJC. We are putting this in a similar vein to an external lawyer who conducts these hearings, so that that person also has bipartisan support. I believe that this ensures that the person is seen as being independent.

I have already indicated that the chairman receives that salary and that position in the CJC because it is generally contemplated that he or she would conduct public hearings. Of course, the salary is that of a Supreme Court judge, with an allowance of, I think, $1,000 a month. The reason for this amendment is to bring that into line so that if the CJC is going to use an external lawyer to conduct hearings, then that person also gets

the bipartisan support or approval of the PCJC. I believe that is fair and reasonable.

Amendment negatived.

Clause 15, as read, agreed to.

Clauses 16 to 18, as read, agreed to.

Clause 19—

**Mr NUTTALL** (4.37 p.m.): The matter that I raise is a little bit complicated in this sense: there are 12 clauses in the Bill to which this matter that I raise relates. The Bill makes a direction that any decision must be made by the commission and no longer by the chairperson of the Criminal Justice Commission. During the debate last night, I raised this issue with the Honourable the Attorney-General. I do not intend to speak to each of the 12 clauses and say that this is where I have a problem, so that is why I raise it now. I am more than happy to advise the Attorney of those 12 clauses. I am sure that he probably has received some sort of submission from the CJC regarding this matter anyway.

Requiring the full commission, that is, the chairperson and the four part-time commissioners, to be brought together to make decisions disrupts the day-to-day operations of the CJC. No business can operate in that format. No company brings together its board of directors to make decisions on every issue. In the Minister's response last night, he touched only very slightly on this issue. I am very keen for him to make some comment on it. As I said to him, I am very concerned that the day-to-day operations of the commission would be disrupted by all the part-time commissioners having to be brought together, and I am keen to hear the Minister's response on that.

**Mr BEANLAND:** The member for Yeronga has a proposed amendment. I think it is amendment No. 15 standing in his name. To clarify this matter, the Government will accept that amendment. I am not saying that this addresses all the issues that the member raises, but certainly the four major areas about which he would be concerned. Does that answer the member's question?

**Mr NUTTALL:** Yes, thank you.

Clause 19, as read, agreed to.

Clause 20—

**Mr FOLEY** (4.40 p.m.): I move the following amendment—

"At page 15, lines 18 to 28—

omit, insert—

'the commission or, at the commission's direction, the chairperson.

'(2A) With the authority of the commission, the report must also be made to 1 or more of the following—'."

This amendment deals with two matters. It deals with reports of the Official Misconduct Division and the place to which those reports are to go. Secondly, it deals with the issue of whether the CJC is obliged to furnish a copy of a report to a suspect prior to giving that report to the Director of Public Prosecutions or to a range of other persons listed in section 33.

The Minister has foreshadowed an amendment that deals with the latter part, and I will come to that in a moment. The Opposition's amendment with respect to reports of the Official Misconduct Division is designed to overcome the operational difficulty that would arise if all reports of the Official Misconduct Division had to go to the commission as a whole as opposed to the chairperson. The Opposition therefore makes provision in this amendment that the commission may direct that such reports go to the chairperson. That is a commonsense provision. The way that the Government's Bill is drafted at the moment would produce a bureaucratic nightmare. There are many, many such reports. It would be absolutely impossible for the good and orderly conduct of the Criminal Justice Commission to be undertaken if every one of those reports had to go to, and be considered by, the commission as a whole. It does not make sense. That part of the amendment remedies the problems that arise out of the cumbersome nature of the machinery adopted by the Government.

**Mr Beanland** interjected.

**Mr FOLEY:** I thank the Attorney for his acknowledgment that the Government will accept these amendments. I draw to the Attorney-General's attention his press release of 11 October in which he responded to a press release of my own in which I drew attention to this very problem and identified the dangers that would arise were the CJC obliged to give material to suspected corrupt police officers and other public officials prior to going to the Director of Public Prosecutions. What I said at the time, and what I continue to say, is that such a provision would enable such suspects to destroy evidence, to interfere with witnesses or to flee the jurisdiction.

I welcome the change of heart on the part of the Attorney-General. I draw his attention to his press release where, among

other things, in response to the concern raised by me on behalf of the Opposition, he said that Labor's proposition was false. In an earlier part he observed, "Those concerns are totally unfounded." He went on to say that the new section was a sensible reform recommended by Government through the public consultation process. I welcome the change of heart on the part of the Attorney-General, and I do not make undue criticism of the fact that the Attorney-General has changed his opinion. The fact that a person changes their opinion can often be a measure of their commonsense rather than anything else. What I do object to, and what I ask the Attorney-General to withdraw and apologise for, is the assertion in his press release that Labor's proposition was false. That was an assertion that was untrue and went beyond the mere expression of a differing political opinion. I would ask him to acknowledge that his statement was incorrect, to withdraw it and to apologise for it. I welcome the change on the road to Damascus that the Attorney-General has had on this matter.

**Mr BEANLAND:** The Government will accept the Opposition's amendments. There are two aspects of this issue. One aspect is that the Government has its own amendment that it will forgo. The amendment proposes to ensure that the commission can receive all reports or direct that the chairperson receive them. The amendment is in keeping with the policy approach of ensuring that the commission members are responsible for the most important decisions. I believe that these are most important decisions that the commission has under its control or supervision. I consider that the reports of official misconduct are terribly important. There are not thousands, as I think people are trying to make out. My understanding is that there are hundreds of them. Nevertheless, they are most important. I hope that the commission does spend a considerable amount of time on these reports. They are very, very important. I am sure that the public at large would believe that that would be a role for the commission. The amendment deletes the two clauses proposed in the legislation that would have provided an opportunity to comment on the adverse mentions in such reports. Those changes were suggested during the last consultation period of the proposed Bill by those who obviously had had some experience with the commission. In view of the level of concerns raised, the Government does not propose to proceed with these changes. I suggest that if the people making those suggestions want to go further, they take those issues up with the PCJC.

I find it difficult to believe that people who are being investigated are not aware that they are being investigated during the course of obtaining evidence. I would have thought that the CJC investigators, whoever they might be, would have had those people in, discussed matters, gone through issues and raised evidence. That is the reason I stated in the press statement to which the member for Yeronga takes offence that the proposition is false. I will withdraw that if he is concerned about that. People might not be aware initially that they are under investigation but, at the end of day, surely they would have to be aware. One would think that they would have to be interrogated during the course of the investigation.

I would not want it to be said at any time that this Government made amendments to the legislation which allowed people who were corrupt in any way to escape the full force of the law. In the circumstances, we will certainly be only too happy to withdraw those amendments.

**Mr BARTON:** Before the shadow Attorney-General speaks again, I will give credit where credit is due. I think it is a sensible decision of the Attorney-General to accept the Opposition's amendments. However, the Attorney-General made the point that he does not believe that people who are being investigated would not know that they were being investigated. They may know that they are being investigated but they may not know the extent to which those investigations have gone, particularly in relation to future investigations owing to the proposal that a range of additional surveillance methods should be provided.

I think that is a question that is comparable to the one that I raised last night during the second-reading debate in relation to Constable Damon Kirkpatrick, who subsequently admitted his corruption to the Carter inquiry. Notwithstanding the current circumstances, he was able to resign from the Queensland Police Service and escape some other possible action against him. I think that, on reflection, particularly if some of the provisions relating to police powers and the stronger investigative measures that have been foreshadowed for the potential Crime Commission and for the CJC do in fact come into play, the Attorney-General will probably accept that although people may know that they are under investigation, they may still believe that they can escape prosecution at

the end of that investigation. It becomes a very important issue if those people are suddenly given a whole raft of information that is adverse to them. I would be fearful that they may still escape the country. We have also seen many instances of people trying to intimidate witnesses. That could still be a possibility. As the shadow Police Minister, I was concerned about this issue, and I raised it during the second-reading debate. I accept that it is a sensible move and I thank the Attorney-General for that decision.

**Mr FOLEY:** I thank the Attorney-General for withdrawing that statement, which I found offensive. I accept that in the cut and thrust of robust debate different views will form. However, I think it is very dangerous to the administration of justice for an Attorney-General on either side of politics to be tempted to misstate the law to achieve a political effect. Accordingly, I welcome the Attorney-General's withdrawal of it.

However, I say that the Labor Opposition noted the concerns raised by the Criminal Justice Commission and advanced those concerns in the face of an assertion by the first law officer that its proposition was false. The events that have transpired have vindicated the stand that Labor has taken. Had this clause been passed without this amendment to it, it would have been a very serious blow to the fight against corruption. It should be the concern of all honourable members to build a bipartisan approach to combating corruption. That is what Mr Fitzgerald, QC, in his report, urged us to do. This amendment introduced by the Government, had it been passed, would have effectively given an opportunity for corruption to flourish. I welcome the fact that there is now bipartisan opposition to that proposal and that this unfortunate provision will be removed.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21—

**Mr FOLEY** (4.54 p.m.): Clause 21 deals with the question of the judicial review of the activities of the Criminal Justice Commission and, in particular, of the Official Misconduct Division of the Criminal Justice Commission. Clause 21 puts the CJC in a position similar to that of the Crown in respect to costs of an application for judicial review, that is, it provides that the court may make an order that the commission indemnify the costs applicant in relation to the costs properly incurred in the injunction proceeding on a party and party basis from the time that the costs application was made.

That is a sensible provision, even though it should be recognised that it is one that has budgetary implications for the CJC. It enables the court to have a discretion to allow a judicial review case properly to be brought in circumstances where the interests of justice require it, even if at the end of the day the applicant for judicial review may not be successful. However, I draw to the attention of the Chamber, and in particular to the attention of the Attorney-General, the misleading statement with respect to this provision which appeared in the Attorney-General's press release of 16 September when he announced this legislative package. The Attorney-General stated—

> "The accountability mechanisms within the CJC itself will also be strengthened. Those changes include:
>
> The greater ability of complainants against the CJC to instigate Judicial Review regarding the fairness of an investigation. Under the Bill, the CJC will bear the costs of Judicial Review of investigations whether it succeeds in defending its actions before the courts, or it loses (recommendation of the Queensland Council of Civil Liberties).
>
> 'The prospect of confronting the legal might of the CJC and wearing the cost is a daunting disincentive for the pursuit of justice.' "

That is simply wrong. It is not a correct statement of what the Bill does. Again, I ask the Attorney-General to withdraw that statement that he made in error in his press release, because it misled the public, it was wrong, it is not a correct statement of the legislation that he has brought before the Parliament and it should be corrected now.

The claim that under the Bill the CJC will bear the costs of judicial review of investigations whether it succeeds in defending its actions before the courts or it loses is an incorrect statement of the provisions of this clause. This clause gives to the court a power to make such an order for an indemnity for costs. It does not as a general rule require the CJC to bear the costs of judicial review, as is indicated in the Minister's press release. If the Minister wishes, I will furnish him with a copy of his own press release. I ask him to clarify for the sake of the record the fact that that statement was made in error and to withdraw it.

**The CHAIRMAN:** Order! The question is that——

**Mr FOLEY:** Mr Chairman, I have asked the Minister, who is the holder of the office of the first law officer of the Crown, to correct his misstatement of the law. I have given him the opportunity to do that in a civil manner, and I ask him to do it.

It may be that the Attorney-General was simply mistaken about the legislation that he was introducing. If so, I am giving him the opportunity to withdraw it. It is not acceptable for the Attorney-General to simply remain silent. This is a matter in which he properly should withdraw and apologise, because he misled the Queensland people in misstating the law on what is, after all, a very important issue, namely, the extent to which ordinary citizens may bring an application for judicial review against the CJC should they be the subject of some adverse decision or adverse action.

**Mr BEANLAND:** I missed a lot of what was said, but clearly clause 21 relates to judicial review. It ensures that the application for judicial review is brought against the commission. The amendments seek to make the procedure for judicial review more accessible by imposing a similar costs regime as applies under the Judicial Review Act. It has been suggested that the potential for costs to be awarded against the applicant deters all but the monied or foolish, thereby rendering this provision an illusion rather than an effective procedure for judicial scrutiny of the fairness of investigations.

**Mr FOLEY:** Needless to say, I am very disappointed that the Minister will not acknowledge the patent error that he has made. That does him no good and it does the standing of his office no good. When the Attorney-General states the law, he must do so with great care. If he misstates the law, when it is drawn to his attention he should correct it.

One of the great evils that can enter into the body politic arises when the statement of the law is polluted by purely partisan political considerations. That was so prior to the Fitzgerald inquiry. Indeed, one of the chief and most stinging criticisms of the Fitzgerald inquiry concerned the Justice Department and the lack, as Mr Fitzgerald saw it, of independent, impartial, proper legal advice coming to the Government. Mr Fitzgerald expressed concern over advice that was, instead, tendentious and that was designed to be favourable to what the Government of the day wanted to hear.

A few minutes ago, I welcomed the willingness of the Attorney-General to admit his error in accusing Labor of putting forward a false proposition. However, it is very unsatisfactory for the Attorney-General to fail to correct his patently incorrect statement. The contrast between what is in his press release and what is in clause 21 of the Bill is the contrast between chalk and cheese. They are not the same thing. They are two different things altogether. The Attorney-General has already suffered the indignity of losing the confidence of the Parliament. He should now properly discharge his duties and withdraw his misstatement of the law and his misleading of the Queensland people on this issue.

**Mr BEANLAND:** I am not quite sure of the member's point. The amending legislation states the law and, of course, that is available. I am not sure that the press release is misleading. I listened to most of what was said, but there was so much noise at one stage that I missed some of it. Clearly, this clause makes the judicial review process more accessible and fairer to the community. I am not sure whether it will involve more cost to the Criminal Justice Commission or not. That is a matter that only time will tell. The clause brings this particular judicial review process into line with others. We will have to wait to see the end result.

I think that this is a fair provision and one that is appropriate to be included in this particular section of the legislation. The member for Yeronga seems to be inferring that the public has been misled in some way. Certainly the amendment is there. I do not think we are denying that.

**Mr Foley:** My complaint is about your press release.

**Mr BEANLAND:** We are not arguing about press releases. If the member wants to start arguing about press releases, I will get his press releases out. There are a stack of things that I can argue about there.

With respect, the Act is quite clear and the comments that I have made are quite relevant. The member says that the press release is wrong, but that is only his view. I am not sure that that is the case. I do not have the press release in front of me. I assure the honourable member that it certainly was not released with any intent of being wrong. Its intent was to spell out the change in fairly straightforward language for the public of Queensland. I recall that what was in a press release that I put out some time ago was in line with what is contained within the provisions of this particular amendment.

**Mr LUCAS:** Clause 21 seeks to amend section 34 of the Criminal Justice Act by enhancing the prospects for those seeking judicial review against the CJC. I ask the Attorney-General: what in principle is different between attaining that admirable purpose and proposed section 118ZA which massively restricts the prospects of judicial review and court access to persons wishing to seek exactly the same things against a parliamentary commissioner? Is it that the Attorney-General wants people to be able to review the CJC, but that he wants to make the parliamentary commissioner immune from that?

**Mr BEANLAND:** I will come to proposed section 118ZA in due course. We are debating a different issue.

**Mr Lucas:** The principle is the same.

**Mr BEANLAND:** It is a different principle. This clause makes the situation more equitable, and I am very happy to discuss that. An amendment has been foreshadowed that the Government will probably accept. I think that the member for Lytton raises another issue.

Clause 21, as read, agreed to.

Clauses 22 to 33, as read, agreed to.

Clause 34—

**Mr J. H. SULLIVAN** (5.07 p.m.): Clause 34 inserts a new section 90 into the criminal justice legislation, requiring essentially that unless proven to be in the public interest to be otherwise, the hearings of the commission are to be closed. A similar clause elsewhere in the Bill provides that hearings of the parliamentary commissioner will also be closed. This is in contravention of the long-held view that commissions of inquiry should conduct their hearings in public.

**Mr Grice** interjected.

**Mr J. H. SULLIVAN:** Last evening, when I raised this point during the debate on the second reading, the Minister indicated that this was different to the misconduct tribunal, because the misconduct tribunal hears charges that have been laid against somebody, whereas the CJC undertakes investigative processes—as if that makes the difference. I know that the Attorney-General has received from the Criminal Justice Commission a submission on a number of points in relation to this legislation and that this point is one of them. I know that he has received that because it is a submission that was to be provided to the Attorney-General rather than to anybody else, but I happen to have a copy of it, as do a number of other people.

A moment ago the member for Broadwater made an interjection about how many of the CJC's current inquiries are held in public. The submission that I mentioned deals with that. It states—

> "Since the inception of the CJC it has conducted 15 public hearings and almost 200 private hearings."

The issue is that they have to prove that it is in the public interest for an inquiry to be held in private, whereas this legislation reverses that situation; it has to be proved that it is in the public interest that the inquiry be heard in public. There is a vast body of material that suggests that inquiry hearings should be held in public. Page 13 of Alert Digest No. 11, tabled yesterday, contains one such example.

I wish to quote Geoffrey Flick's comments in a publication titled Natural Justice—Principles and Practical Application. We are talking about natural justice. Flick states—

> "... it is a generally recognised principle of law that the administration of justice should be conducted by way of proceedings open to the public.
>
> ...
>
> It is a principle of particular importance to a tribunal which is engaged in reviewing the exercise of administrative power, for administration has hitherto been a cloistered process (McPherson v McPherson [1936] AC 177 at 200) and its exposure to public scrutiny is calculated to enhance greater public confidence in it ..."

That is not the only example that I wish to quote. I wish to quote a couple of examples provided to the Attorney-General by the Criminal Justice Commission. Last evening, I quoted partially from the Right Honourable Lord Justice Salmon. I indicated that I did not think he was a raging Left Winger—no red-ragger he. His comments appear in a report of the Royal Commission on Tribunals of Inquiry undertaken in Great Britain in 1966. I will read the first part of this quote again; the second part for the first time. The Right Honourable Lord Justice Salmon states—

> "As we have already indicated it is, in our view, of the greatest importance that hearings before a Tribunal of Inquiry should be held in public. It is only when the public is present that the public will have complete confidence that everything possible has been done for the purpose of arriving at the truth.

> When there is a crisis of public confidence about the alleged misconduct of persons in high places, the public naturally distrusts any investigation carried out behind closed doors. Investigations so conducted will always tend to promote the suspicion, however unjustified, that they are not being conducted sufficiently vigorously or thoroughly or that something is being hushed up. Publicity enables the public to see for itself how the investigation is being carried out and accordingly dispels suspicion. Unless these inquiries are held in public they are unlikely to achieve their main purpose, namely, that of restoring the confidence of the public in the integrity of our public life. And without this confidence no democracy can long survive."

Another quotation was provided by the Criminal Justice Commission to the Attorney-General in its submission. That quote is from the report of the Fitzgerald inquiry—an inquiry that has great relevance in Queensland even today, some 10 years after it began.

On page 10 of the Fitzgerald report, the value of open hearings is emphasised with these words—

> "This Inquiry could not have proceeded without public confidence, cooperation and support. The power of some of the individuals involved, and the type of issues raised were such that it would have been impossible for the Inquiry to have succeeded without public confidence, cooperation and support.
>
> That meant the Inquiry had to be as open as possible, so that the public, including people with information, could see that it was a genuine search for the truth. Such a course was also necessary so that the Inquiry could generate new momentum to overcome any attempt which might have been made to interfere."

I submit that there is absolutely no reason for the Minister to reverse the situation that presently exists within the Act whereby the rebuttable presumption is for open hearings. To do so is to leave us open to criticism that we are trying to do all sorts of things: that we are trying to nobble, dare I say it, further inquiries; and that we are trying to lessen the confidence of the people of Queensland in it.

In conclusion, I note that, as with many of the other repugnant provisions of this legislation, the Attorney-General sourced the changes back to the recommendations of the Parliamentary Criminal Justice Committee as it has been variously constituted over a number of years. I believe there are occasions on which the Parliamentary Criminal Justice Committee, like any other body, can be wrong on these matters. In this instance, I do not believe that it has done enough research. That committee indicated to the Attorney-General that it felt that by having open hearings people's reputations can be damaged. I submit that the reverse is also true, that is, that by having closed hearings people's reputations can be irrevocably damaged.

**Mr FitzGerald:** Are you going to divide on this clause?

**Mr J. H. SULLIVAN:** We could have, as we had in this Parliament this morning the disgraceful spectre of a Minister alleging that certain persons from the Opposition were mentioned adversely in a report and then refusing to table the report. What a dreadful situation that is. That is what can happen in closed hearings. Allegations that people are not aware of and in respect of which they have no right to respond can be made. Hearings should be held in the open unless there is a good reason not to do so. It ought not be the other way around.

Let us look at the figures that the Criminal Justice Commission provided to the Attorney-General. There have been 14 open hearings and 200 closed hearings. I do not think there is anything wrong with the way in which it is administering the Act at present. At least one fairly contentious matter has been heard in a closed hearing, and a number of matters have been heard in open hearings. I think that has enhanced the community's regard for the organisation. At this point I ask the Attorney-General to consider—and to answer the question asked by the Leader of Government Business, I point out that I am not moving an amendment—whether he might not bring in another change to this legislation at a later date to correct this situation.

**Mr BEANLAND:** As the member for Caboolture has indicated, this comes about because it is a recommendation of the parliamentary committee. As I understand it, that recommendation was put forward some time ago. As the member indicated, most of the hearings are held in private. As I indicated in my response tabled in this Parliament, the committee recommended that the Criminal Justice Act be amended to reflect that hearings of the commission are to be conducted in private unless the commission is able to establish to the court approving the

hearing that the hearing is of an administrative nature and it would not be unfair to any person to hold a hearing in private or would be contrary to the public interest. It is obvious that the parliamentary committee must have considered this issue at great length over some time to arrive at that conclusion. It is much closer to the issue than I am. That is its recommendation.

Because the vast majority of these hearings are conducted in private, it was decided to accept the recommendation put forward by the committee, as it obviously has sound and justifiable reasons for putting it forward. It concluded that the injustice that may be caused to witnesses or others under suspicion through the use of the investigative hearing power is so great that all investigative hearings should prime facie be conducted in camera unless the commission or individuals affected by the hearing can establish that the public interest outweighs the potential harm to individuals.

Clause 34, as read, agreed to.

Clause 35, as read, agreed to.

Clause 36—

**Mr FOLEY** (5.19 p.m.): I move the following amendment—

"At page 23, lines 16 to 20 and 28 and 29—

omit."

The effect of the Opposition's amendment would be to remove the provision sought to be inserted by the Government enabling a PCJC member, as opposed to the committee, to inspect and copy CJC material. The concern has been expressed by the Criminal Justice Commission that giving such a power to individual members, as opposed to the committee, may involve an unreasonable political intrusion into the work of the independent law enforcement agency.

It is to be remembered that committees derive their power from this Assembly or from an Act of the Parliament. Essentially, committees are there to carry out tasks which the Parliament as a whole is unable to do or which it is simply not convenient for the Parliament as a whole to do. To extend that situation so that individual members are cloaked with power to inspect and copy law enforcement material independently of the decision of the committee does raise very serious concerns and, accordingly, the Opposition urges support for this amendment.

**Mr BEANLAND:** The Government does not accept the amendment. The provisions in the Bill are certainly in line with the recommendations of the PCJC. In fact, I think we go a little bit further. I foreshadowed an amendment following a discussion earlier today with the chairman of the PCJC who asked for a further extension on that particular matter. The Opposition amendment seeks to delete proposed section 98(2) of the Bill which deals with the inspection of material in the commission's custody. That proposed section allows the PCJC to inspect and take copies of non-operational material.

As I say, at the request of the chairperson of the PCJC, the Government is moving an amendment to extend that ability to inspect to persons appointed, engaged or assigned to the PCJC. The Government changes are supported by the recommendations of the PCJC. Apparently, they reflect current practice in that staff of the PCJC do inspect some non-operational material. The provision contained in the Bill protects operational material from the gaze of the PCJC and its staff—and I want to emphasise that. If the PCJC does not have access to the non-operational material, how is it to perform the monitoring and reviewing role that this House has imposed upon it? It is fair to say that that would be somewhat difficult without these amending clauses, some of which the Opposition is endeavouring to delete.

These clauses, of course, came forward with bipartisan support. So I presume that members of the Labor Party—the party of the member for Yeronga—who are members of the PCJC must have been asking for this at some stage in the parliamentary committee reports. They are at the shopfront; we give them powers and authority and we expect them to go out and to have oversight. It is quite clear that they must have the ability to have that oversight if they are going to be able to carry out their duties. I trust that we do have the support of the Labor members who sit on the bipartisan committee in opposing this amendment.

**Question**—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

**AYES, 42**—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 42**—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill,

Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Goss W. K., Elliott; Warwick, D'Arcy

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

Resolved in the **affirmative**.

**Mr BEANLAND** (5.29 p.m.): I move the following amendment—

"At page 23, line 16, after 'committee'—

insert—

'or a person appointed, engaged or assigned to help the parliamentary committee'."

This amendment inserts the words "or a person appointed, engaged or assigned to help the parliamentary committee". I move this amendment following representations from the PCJC which has asked that these words be included so that staff, where appropriate, can go and look at this non-operational material as it will not always be appropriate for members of the committee to do so. As I say, I am sure we are going to have the support of Messrs Nuttall, Hollis and Robertson for this amendment. I was somewhat surprised that we did not have their support in opposing the previous amendment, since they were bipartisan recommendations of the parliamentary committee—and I want to emphasise that. However, I am sure that, at heart, we do have their support, otherwise those recommendations would not have been bipartisan ones. Certainly, the Government would not have moved in this direction if there had not been bipartisan recommendations on those issues.

Amendment agreed to.

Clause 36, as amended, agreed to.

Clauses 37 to 39, as read, agreed to.

Clause 40—

**Hon. M. J. FOLEY** (5.31 p.m.): The Opposition will oppose clause 40 which empowers the Parliamentary Criminal Justice Committee to give guidelines to the Criminal Justice Commission. The Opposition takes the view that the Parliament should make laws which govern the operation of the Criminal Justice Commission, and that if one starts to go down the path of conferring powers to give guidelines and powers to direct particular investigations, that is an inappropriate path for the parliamentary committee. The parliamentary committee's function should be to monitor and review and report back to the Parliament. It is for the Parliament to make laws.

The Government provisions in clause 40 insert a function to issue guidelines and give directions to the commission as provided under this Act. Similar issues are raised with respect to clause 41. It really comes back to a question of how one sees the parliamentary committee. Is it a body which is there to monitor and review and report back, or is it a body which is empowered to give directions? If it is such a body, then it starts to acquire the character of the Executive without the apparatus of the Executive for accountability through the processes of ministerial responsibility.

It also gives rise to a practical danger, namely, that directions could be given to the commission to carry out specific investigations. It is said, of course, that there is a safeguard in that there needs to be bipartisan majority or unanimity on the committee in order to give such a direction. However, that would be cold comfort to an independent member of Parliament. It may be that from time to time all parties in the Parliament might find such a member troublesome to their party discipline. Similarly, there might be third parties out in the community who agitate for particular causes, and the danger is that there could well be bipartisan consensus about the desirability of setting the CJC on the path of turning them over and having a jolly good look through their affairs. That is the danger.

In the Opposition's view, the better approach is the approach whereby the Parliament makes the laws which govern the operation of the CJC. I would urge all honourable members to keep this in mind: as we get more and more drawn to a quasi Executive role for the parliamentary committee, I am mindful of the provisions of responsible and representative government. Again and again I hear in this Parliament of the pressures on members arising out of their committee commitments. It is important to remember that honourable members have a duty to their electorates.

Although it may seem superficially attractive to give the parliamentary committee these powers, in my submission to the Committee it is not a course which is, on reflection, a wise one, for it entails responsibilities being given to the committee which are unorthodox and which contain significant dangers. Indeed, the submission to the Attorney-General from the Queensland

Law Society highlights this particular matter. If I could paraphrase the submission: the Queensland Law Society observed that to give the power of direction to the parliamentary committee would enable politicians to use the CJC to target persons or groups in the community. That is an undesirable state of affairs. It is for those reasons that the Opposition will oppose this clause.

**Mr BEANLAND:** The Government rejects the shadow Minister's opposition to the clause. This amendment comes from the parliamentary committee. The committee has been on about this request for some time. The Opposition seeks to delete the powers to issue guidelines and give directions to the Criminal Justice Commission. The parliamentary committee has been very emphatic about needing this power. It is a bipartisan committee comprising members from both sides of the Chamber. The amendment is also consistent with the role of the PCJC as seen by Mr Fitzgerald in his report. Mr Fitzgerald wrote in his report—

> "The Criminal Justice Committee should have the power to formulate policies and guidelines to be obeyed by the CJC and to direct the CJC to initiate and pursue investigations or to report to the Parliament."

I think those words are very clear and very straightforward. The member for Yeronga suggested that the parliamentary committee could go off and chase after someone. With respect, the CJC could do likewise. This amendment has been asked for by the PCJC. It is part of the Fitzgerald recommendations. It is an emphatic recommendation from the PCJC, which is comprised of members from both sides of the Parliament.

**Mr J. H. SULLIVAN:** I support the shadow Attorney in his effort to strike out this particular function and power of the parliamentary committee. However, I do note what the Attorney has said about this being something that the committee has sought. Given that this is an unfettered power with which the Attorney is providing the committee, it can be exercised in quite a wide range of matters. I suppose that we have to be impressed by the confidence that the Attorney has in the parliamentary committee, because this Parliament routinely does not provide this sort of power lightly to any other body. I instance regulation-making powers—and I note that these are not regulations—delegated by this Parliament.

Members should bear in mind that the Parliamentary Criminal Justice Committee performs a function delegated to it by this Parliament. Everything it does is delegated from us collectively. To give it this broad a scope is quite interesting. The Criminal Justice Commission itself has indicated that it feels that there are any number of quite inappropriate things in regard to which the Parliamentary Criminal Justice Committee could issue guidelines or directions to the Criminal Justice Commission. One of those includes requiring the CJC to notify members of Parliament of investigations being conducted in their own electorates. The Attorney says that this was something that the Fitzgerald inquiry had recommended. I suspect that is where the Parliamentary Criminal Justice Committee may have got the idea to seek the power. I am not convinced, because the Attorney has not provided any argument to me—nor has the Parliamentary Criminal Justice Committee provided any argument to me—to indicate that the committee needs this power or how it plans to exercise this power. We are offering it a very broad power with no justification other than that it has asked for it. I am not sure whether that is the way that this State has been run at any time in its history, but I doubt it very much. Requests for broad powers should be justified. I have no justification, and the Attorney provides me with no argument that relates to a justification.

I want the Criminal Justice Commission to have a proper relationship with the Parliamentary Criminal Justice Committee, because my private view is that the commission has treated successive parliamentary committees—and, I might add, successive people in charge of the commission—with contempt. That is my private view. While I am pontificating on that point, I believe that the silliest way to bring a wayward commission into line is to create another, but that is what we are doing in this Bill. I believe that the silliest way to get politicians to behave is to appoint some more politicians.

**Mr FitzGerald:** You're a good example of the fact that we have one too many.

**Mr J. H. SULLIVAN:** I am actually not one too many; I am one too few for the member's side, and I wake up every morning thinking how pleased I am that it is thus.

What we are doing here in clause 40 is providing a very broad power with no justification other than that the Parliamentary Criminal Justice Committee has requested it. The Parliamentary Criminal Justice Committee has also provided us with no justification. At

this point I cannot consider this power to be justified. I would like to have been given the opportunity to consider why it is justified, and I would like to have been given a list of when and how it is going to be exercised. We have neither. That is a very grave failing and a dangerous thing for us to be doing in legislation in this State—quite apart from the issues raised by the shadow Attorney-General about providing a parliamentary committee with Executive power.

**Question**—That the clause as read stand part of the Bill—put; and the Committee divided—

**AYES, 42**—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 42**—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, Goss, W. K.; Warwick, D'Arcy

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

Resolved in the **affirmative**.

Clause 41—

**Mr FOLEY** (5.50 p.m.): I move the following amendment—

> "At page 25, lines 13 to 28 and at page 26, lines 1 to 24—
>
> omit."

This amendment is really consequential to the issues on which members have just voted, so I will not speak further to it.

**Mr BEANLAND:** I think it is fair to say that we have already canvassed the arguments. I will leave it at that.

**Mr J. H. SULLIVAN:** I understand that the Minister will oppose deletion of these proposed clauses from the Bill, so I want to talk briefly about the system that has been established in these clauses. In particular, I refer to the section on page 26 of the Bill, proposed new section 118C, which goes to disallowance of the guidelines by the Parliament. I believe that the error that exists here may be inadvertent. I accept that, when I tried to explain it yesterday, the Attorney did not follow the argument. So I hope that members opposite have their pens sharpened to write down a couple of points.

First of all, these guidelines may actually qualify as a statutory instrument and come under the purview of the Statutory Instruments Act. I say that they may because section 7 of the Statutory Instruments Act identifies a statutory instrument as something that has been made under an Act, and also provides for it to be a guideline of a public nature. I must admit that I am not entirely sure of the meaning of the phrase "of a public nature". Certainly guidelines are anticipated to be the kind of document that could be a statutory instrument. They are certainly not subordinate legislation. Under the Statutory Instruments Act they do not fit the categories for subordinate legislation. The tabling requirements that are provided for in proposed section 118B(1) are essentially the same as provided for subordinate legislation in section 49 of the Statutory Instruments Act. However, subordinate legislation is also required to be published or notified in the Government Gazette. That can be found in section 47 of the Statutory Instruments Act.

As these guidelines are not subordinate legislation—they do not fit the categories for subordinate legislation—there is no requirement for them to be published or notified publicly in the Government Gazette. What is the result of that? As I pointed out yesterday in relation to the requirement for a guideline to be tabled within 14 sitting days, to have been tabled yesterday a guideline could have been made as long ago as 9 July, two and a half months ago. In proposed section 118C(1) this Bill provides another 14 days for somebody to move a disallowance. That is another two and a half months. That is five months from the time in which the guideline is issued to the time in which somebody has the opportunity——

**Mr FitzGerald:** The opportunity expires.

**Mr J. H. SULLIVAN:** Yes, the opportunity expires. That could be five months. Then Parliament must consider any notice of motion to disallow a guideline. I believe this is an inadvertent failure. For the benefit of the Leader of the House—because he would be the person who would be making the decision of when to bring that debate on—I point out that, in proposed section 118C(2), the legislation states—

> "On the day set down for its consideration under the standing rules and orders of the Legislative Assembly ..."

The relevant Standing Order is Standing Order 37A, which states—

> "When notice of motion to disallow any Proclamation, Order in Council, Regulation or Rule ..."

There is no Standing Order covering the disallowance of a guideline. Although a guideline may be a statutory instrument, it is not subordinate legislation, so it is not captured by the provisions of Part 6 of the Statutory Instruments Act. If it were to fall under 37A, it would be up to the Leader of the House within another seven sitting days—or another month; six months after the guideline is issued to the Criminal Justice Commission—to bring that on in the Parliament for debate.

**Mr FitzGerald:** It is the same for regulations.

**Mr J. H. SULLIVAN:** I accept that, but regulations are notified in the gazette and published and available from the time of their making. A guideline is available to us from two half months after it is made, so we have a lack of protection for ourselves as parliamentarians, bearing in mind what I said about the unfettered power that we are giving the committee. Under the Standing Orders of this Parliament, there is no provision for a motion to disallow a guideline to be heard. Therefore, the giving of a notice of motion to disallow a guideline is meaningless. These things cannot be disallowed. I believe there will need to be some fairly careful reworking of these provisions to ensure that either the Standing Orders are changed or that these provisions are changed so that they are treated as subordinate legislation. I acknowledge that the Leader of the House has taken my point. I look forward to their being some rectification fairly quickly.

**Mr BEANLAND:** It is intended that Standing Order 37A apply. No other Standing Order would apply. If Standing Order 37A does not apply, action will be taken to amend that. I have carefully noted the comments of the member and also the comments of the Scrutiny of Legislation Committee. If there needs to be some amendments in that regard, we will be looking to make them.

Amendment negatived.

**Mr BEANLAND:** I move the following amendment—

> "At page 27, after line 14—
>
> insert—
>
> '(2A) A decision of the committee under subsection (2) must be made unanimously or by a majority of the members, other than a majority consisting wholly of members of the political party or parties in government in the Legislative Assembly.'."

This amendment goes to ensure that the decision of the parliamentary committee under subsection (2) must be made unanimously or by a majority of the members, other than a majority consisting wholly of members of one political party. In other words, a bipartisan decision is necessary for the issues covered by this section. I think the justification for this is quite clear and straightforward. I move the amendments accordingly to ensure a bipartisan decision.

Amendment agreed to.

**Mr FOLEY:** Amendments Nos 7 and 8 in my name are consequential upon the earlier vote. I will not bother moving them formally because the Committee has expressed its view on that.

Progress reported.

## PUBLIC HOUSING

**Hon. T. M. MACKENROTH** (Chatsworth) (6 p.m.): I move—

> "That this House expresses its concern at proposed changes to the Public Housing system in Queensland.
>
> In particular, we note—
>
> (1) Rents will be increased to 25% of income.
>
> (2) Tenants will lose security of tenure.
>
> (3) New tenants' area of choice has been restricted.
>
> Further, this House requires the Minister for Public Works and Housing to abandon these changes which attack the most vulnerable and genuinely needy in our community."

The so-called housing reforms that have been outlined by the Minister for Public Works and Housing are probably the most fundamental shift in housing policy that we have seen for 50 years—since the Commonwealth/State Housing Agreement started in 1945.

The Government has attempted to sell these changes to the community by using some examples of bad tenants. I place on the record right now that the Labor Party does not support bad tenants. The Labor Party supports action being taken against tenants who disturb the community in which they live. The Labor Party supports taking action against

people who do not pay their rent because they just do not wish to pay it. The Labor Party supports action being taken against those people. Under the present system, such action can be taken.

Last Monday night on A Current Affair we saw the Minister's endeavours to sell these changes. One of his officers was on TV showing houses that had been damaged by tenants and said, "What we have to look at is what has happened at Riverview." What has happened at Riverview happened because I, as the Minister for Housing, made the changes that were necessary. Those changes were made under the present system. We did not need to change the system for that to happen; we did it under the system that operates. What is being held out as an example of the way in which the system should operate is what the former Goss Labor Government did in Riverview.

When the Minister announced these changes in his press release, he stated—

> "This means that public housing tenants have to behave to the wider community standards."

Of course, by that the Minister means that he believes that public housing tenants do not behave to the wider community standards. What a slight that is on the 50,000-odd tenants who live in Department of Housing homes! The Minister went on to state—

> "... bad tenants will no longer be able to live at the taxpayers expense."

Further, he stated that the taxpayers of Queensland were no longer responsible for housing the irresponsible.

The Minister has said that everything that has been done has been done because of bad tenants. The Minister has tried to shift the blame to bad tenants, and he has painted all tenants in that light. In the six and a half years that the Labor Party was in Government, the one thing that it tried to do was to take away the stigma that has been placed on public housing tenants.

The Minister said in his statement that he is going to have a policy of 20% density of public housing. That was put by me, as a member of Labor's housing policy committee, in the Labor Party's policy at the 1980 convention. The former Liberal/National Party Government and then the former National Party Government would not adopt it. When Labor came to power in 1989, it ensured that housing estates had no greater density than 20%. In the older suburbs, the Labor Government implemented measures to try to bring down the density. Now the Government is saying that that is what it is going to move to.

**Dr Watson:** That's nonsense.

**Mr MACKENROTH:** What?

**Dr Watson:** You didn't start doing that.

**Mr MACKENROTH:** What does the Minister think happened at Leichhardt?

**Mr Schwarten:** He wouldn't know.

**Mr MACKENROTH:** No, the Minister probably has not even been to Leichhardt. What happened at Leichhardt? What happened at Garbutt? The Minister needs to know what has happened in his department to understand. Two of the largest——

**Dr Watson:** They are not down to 20%.

**Mr MACKENROTH:** No, but those areas are moving towards that. The Minister has reannounced——

**Dr Watson:** In six years you hardly made an impact.

**Mr MACKENROTH:** The Minister reannounced the program that the former Labor Government had started at Inala and said that it was going to take 10 years.

**Dr Watson:** When?

**Mr MACKENROTH:** The Minister reannounced what the former Labor Government started. The Minister said, "We are going to do this only to new tenants, not to existing tenants." He wrote to them all and told them that they were secure. Last year, the previous Minister, Mr Connor, wrote to Joan Sheldon and said that those changes would be grandfathered in. I have no doubt that if the coalition is returned to Government at the next election, we will see those changes affecting all public housing tenants throughout the State. For every pensioner who currently lives in public housing, that will mean a 20% increase in the amount that that person pays in rent.

I do not believe that, once the new system is operating, the Government will maintain the existing system alongside it. That will create the situation in which, in a block of six units, one pensioner who receives the same amount of money as other pensioners will be paying 20% more rent than the person living next door. It will not be long before the change will affect all tenants.

The Victorian Kennett Government changed the system for all tenants. This Government has not changed the system for all tenants, but I have no doubt that the letter that was sent by the former Minister, Mr

Connor, to Mrs Sheldon last year, which outlined quite clearly that the changes would be grandfathered in over three years, would be the type of policy that we will have. That is the sort of policy that I see the Government moving towards.

Tenants are going to lose security of tenure. The conservative view is, "Maybe someone else is a little bit worse off. We should get rid of the tenants that we have and put in new ones." The Minister is saying to tenants that they are no longer able to pick the suburbs in Brisbane where they want to live. They have to pick zones so that the Government can reduce the housing waiting list. The Government is going to reduce the housing waiting list by getting people off the housing waiting list. It is not going to house those people; it is going to take them off the list because they refuse to take the houses that are offered to them. The Minister's job should be to get people into houses, not to simply reduce the housing waiting list and say, "What a good job I have done. I have been able to take 5,000 people off the waiting list because they would not take the houses in the suburbs that I wanted to give them."

For example, take a person whose family lives at Carina and whose kids go to school at Carina. Perhaps that person is a single mum who, if she gets a job, is able to get her mother to look after the kids at Carina. The Minister is saying to her, "You can no longer say, 'I want to live at Carina'. You have to go and live in zone A." So if a house becomes available at Bulimba, that is the house that that person has to take. If that person does not take that house, she goes to the end of the waiting list. Currently, on average, the waiting list in zone A would be between two and two and a half years long. That person would go to the end of the waiting list because she will not take a house that does not suit her.

Why can a person not say, "I want to live near my support system. That is where I want to live and I am prepared to wait the three years"? There is no skin off the Minister's nose if people wait in the area in which they want to live. The Minister is trying to move people off the waiting list and say to that woman whom I gave as an example, "You would not accept the house. Take your name off the waiting list." The Minister will then be able to stand up in Parliament and say, "I have reduced the housing waiting list." The Minister has not reduced the waiting list by housing anybody.

The Minister has also stated that bad tenants cost the department $2m. That works out at $200 per vacant property over a year. I have received some figures from the Residential Tenancies Authority—and the Minister might remember that I once was the Minister for Housing, so I know what that authority is—that show that the average cost to that authority is $216 per tenancy across-the-board. So when the Minister starts to say that it costs——

**Dr Watson:** You have got the wrong figures.

**Mr MACKENROTH:** No, I have not. I know what they are. It is $216.

**Dr Watson:** If you think back, you actually asked the question in the Estimates committee and you got the right figure then.

**Mr MACKENROTH:** No, that was $7m.

**Dr Watson:** For all expenses. That is what you are comparing.

**Mr MACKENROTH:** No, it is not. I am comparing it with what landlords do not pay to tenants. That is what I am comparing.

Time expired.

**Mr SCHWARTEN** (Rockhampton) (6.10 p.m.): I rise to second the motion moved by the shadow Minister. I have had a long association with the Labor Party and it is no surprise to me to see that Tories are really Tories and that the Minister fits the bill very well. It did not take "Old Silvertail" long to resort to what Tories really believe in, which is that if somebody is poor they should cop what is dished out by society and they should be made to accept whatever hand of cards is dealt to them by those with the whip hand.

I notice that the Minister has tried to disguise these proposed changes to the public housing system with all sorts of nonsense. He suggests that he will give people a better deal. However, disabled people and people who are on the priority lists that the Minister talks about will be disadvantaged as a result of these changes. For a start, in order to fulfil the Minister's requirements to get into a public house, one has to provide references. Many of those people simply cannot get references from landlords. Some of them have never lived in a rental situation before. They may have lived in hostel-type accommodation. Indeed, some of them move out of the backs of cars and into public housing accommodation. I do not know how they will get past the first step.

**An Opposition member:** They can get a reference from a mechanic.

**Mr SCHWARTEN:** They could get a reference from goodness knows who. The very

first step makes it harder for people to get into public housing.

Once a person moves into a public house, the Government can whack the rent up so that their disposable income is reduced. I do not notice any increase in the pension for people who now have less disposable income thanks to the Government's mates in Canberra who have effectively reduced the pension. The pensioners in Queensland cop it both ways: they have less disposable income thanks to the fact that they did not get the latest increase in full and now they will cop it if they have to move into accommodation provided by the Queensland Government.

This goes back to the days of the ghettoes that the former coalition Government used to build. Such ghettoes were easily identified in Rockhampton. The Star of David was the letterbox and the chamferboard home was badly maintained, as was the yard. The Government blamed the tenants for that state of affairs. These changes are more of the same. They are designed to get the community to believe that people who rent from the Government are somehow second-rate citizens who cannot look after their accommodation.

I have rented a home to people in the private sector and I can assure the Minister that those people treated that house very unreasonably. However, I note that the Minister does not say anything about that. It seems that whenever he opens his mouth, he only talks about how badly Housing Commission tenants treat public accommodation. That has certainly not been my experience. I believe that 99% of the people who live in Department of Housing accommodation do what people in the private rental market do, that is, they look after the homes that they live in. The Minister has besmirched those people and he has tried to ensure that this nonsense gains some public support by claiming that the changes will provide better access to public housing.

The other point that needs to be made concerns people's security. One of the things that Government housing offers people who cannot or are not in the fortunate position of being able to buy their own home is the ability to stay in a home for life. If they pay their rent and look after the accommodation, they can stay in that home for the rest of their days, which is as it should be. I know people who have lived in public accommodation for 40 or 50 years and they have looked after their homes very well. Now the Government will review tenancies every three years. Can members guess what that will reveal after a period? Take a family that lives in a three-bedroom home. Once the children leave home, the Government will simply say, "You don't need that house any more. We will put you into a pensioner unit", or whatever. My view has always been that if somebody has always lived in a particular home, it is their family home. If they continue to pay rent over a long period—which the Government does very well out of, thanks very much—they are entitled to stay in that home, just as they would be entitled to stay in a private-sector house if they continued to pay their rent and maintain the house accordingly.

Of course, no-one believes that the rent increases will stay the same. As the shadow Minister pointed out, one set of units will not be rented to somebody on a cheaper basis——

Time expired.

**Mrs WILSON** (Mulgrave) (6.15 p.m.): I move the following amendment—

> "That all words after 'That this House' be omitted and the following words be inserted—
>
> > "notes the reforms to the Public Housing policy announced by the Minister for Public Works and Housing:
> >
> > (1) will apply only to new tenants
> >
> > (2) will not affect people with assessed disabilities
> >
> > (3) will reduce waiting lists
> >
> > (4) will ensure that more needy people are housed; and
> >
> > (5) will encourage a good neighbour attitude that will benefit the whole community.
> >
> > Further, the House notes strong community and Public Housing tenant support for the reforms, which will improve access to Public Housing for those in greatest need."

Labor may not be able to accept it, but the world has moved on from its outdated concept of entire suburbs of public housing. Whole suburbs devoted to public housing are a thing of the past. The tenants like that and they take great pride in their housing. We are not in the business of building social time bombs.

The aim of this enlightened Government is to have no more than 20% density of public housing in any one area. This means that public housing is scattered throughout the wider community, which is healthy for

everyone. Therefore, public housing tenants become members of the wider community and have to become responsive to wider community standards. Contrary to popular belief, the vast majority of public housing tenants behave to acceptable community standards. Unfortunately, a small minority give the rest a bad name.

The reference checks aspect of the reforms have been introduced to let those people know that their unacceptable behaviour will no longer be tolerated. It is normal practice in the private sector to provide references from prior tenancies or character references. Therefore, letting people into public housing without references leaves the department open to possible problems. Typical problems include rent arrears, neighbourhood disputes and property damage.

Less typical problems include one that was reported in last week's Sunday-Mail. One public housing tenant slaughtered goats, sheep and pigs in his lounge room and left the entrails in open pits in the backyard. That is great for the neighbours! Another used a chainsaw to cut a servery between the kitchen and lounge room so that his wife could hand him his beer and chips while he watched TV! Somebody else's house was desecrated. Every area office in Queensland has stories of the neighbours from hell who made life hell for the whole street. We all know them and we have all had people contact us about them.

Under the reforms, the department will use reference checks on all applicants for public housing. Applicants with two adequate references will be allocated. Applicants without two adequate references may—and I repeat, may—be allocated at the discretion of area office managers. Such an approach can be expected to reduce the incidence of neighbourhood disputes before they occur, thus minimising the incidence of wilful damage to properties.

For our mobile community, it is intended that public housing tenants leaving or transferring would be provided with a departmental certificate to use as a future reference. The department would also improve its Statewide public housing tenant register to ensure that tenants with poor departmental tenancy records are identified should they re-apply for housing. The lax tenant management policies of the previous Labour Government sometimes let one bad tenant stay and that resulted in five good ones moving out of an area. I doubt if there would be a member in this place who has not had to deal with a concerned public housing tenant. The situation has changed; we want to keep the five good tenants.

I congratulate the residents of public housing in the electorate of Mulgrave who take great pride in their residences. Many have won community awards in gardening competitions and so on. They have developed wonderful neighbourhoods. I thank Fred Morris for his commitment to housing in the area and for his work with the tenants.

Why should the taxpayers be responsible for housing people who are irresponsible? Why should taxpayers subsidise people who have been bad tenants and bad neighbours in the private sector? Why should we punish good public housing tenants by regularly letting the neighbours from hell move in next door? Residents have contacted me because they are scared of the next door neighbours. They are scared to say anything for fear of retribution. All residents need to feel secure. The reference system does not mean that certain people can never get public housing. If they can demonstrate that they can be good tenants in the private sector, then we are happy to accept them. They become responsible citizens, and rightly so.

I congratulate Dr Watson for bringing responsibility back to public housing. It will be available to all, including people with handicaps and those who need public housing assistance for whatever reason. I am yet to meet a single person, whether in private or public housing, who is not in favour of having better neighbours. Neighbourhood friendships and bonds grow over the years and neighbours can be wonderful support mechanisms for residents. The other day I was quite surprised to see the members for Cairns crying poor when the Minister announced a $100m plan for the residents of Inala. The member for Inala must be elated about that.

Time expired.

**Mr J. N. GOSS** (Aspley) (6.20 p.m.): I have great pleasure in seconding the amendment moved by the member for Mulgrave. I am delighted to have the opportunity to speak in favour of the housing reforms introduced by the Minister for Housing. As Dr Watson has said, these reforms will make sure that the right people get into public housing. By the "right people", we mean those in genuine need.

Under the old system, people could be very selective about where they wanted to live in housing subsidised by the taxpayer. Under the old rules, applicants for public housing

were able to nominate up to three suburbs or towns as areas of preference, provided they were prepared to accept an offer from any of the three areas nominated. A wait list was attached to each area, and the size of the area was sometimes as small as one suburb. This meant that some applicants could choose a very precise area where they wanted to live in taxpayer-subsidised housing.

Under the old rules, there were no less than 200 individual waiting lists in Brisbane alone. In contrast, in Sydney applicants for public housing can list for only one of 25 zones. The old Queensland system resulted in long waiting times for some trendy areas and much shorter waiting times for other more established areas. And this happened even in adjacent wait-list areas.

For example, the wait time for three-bedroom accommodation in Inala is around one month, while the wait time for thee-bedroom accommodation in Forest Lake, an adjoining suburb, is around four years. The reforms address such anomalies by reducing the total number of wait lists available. This will be done by broadening existing wait-list areas in cities and major regional centres and combining fast-moving lists with slower lists. In some cases, that will mean that a person or family will live in just the adjoining suburb. The result will be to put those most in need into housing as quickly as possible.

Under the new wait-list arrangements, applicants will continue to be able to nominate up to three wait lists and will still be required to accept the first offer of accommodation, irrespective of the nominated list to which the accommodation applies. Applicants who refuse offers of accommodation will be returned to the end of the wait list. Area managers will have discretion in relation to people, in particular the elderly, who need family support or need to be near a hospital. Should an applicant refuse a third offer of accommodation without good reason, the application will be deferred for 12 months before being relisted for public housing.

The current appeal processes will be maintained to ensure fair treatment of tenants, and area managers will continue to exercise their judgment to ensure the appropriate application of policies. The new zonal system will not disadvantage people in regional and rural areas as the current town listing system will remain. For example, if a person is on the waiting list for a house in Nanango, that person will not be made to accept a house in Kingaroy. The new zonal wait list system is fair and reasonable. I will give the House some examples. One applicant knocked back a house because the ceilings were not high enough for her four-poster bed.

**Mr MACKENROTH:** I rise to a point of order. This comes from the man who hides under the bed!

**Mr SPEAKER:** Order! The member might be going to bed early. There is no point of order.

**Mr J. N. GOSS:** Some applicants would have put a chainsaw through the ceiling. Another applicant would only accept a house if it was two streets from the ocean and facing north east so that it could catch the sea breeze. There are hundreds of applications such as these. Another applicant kept coming up with excuses why the houses offered to her were not suitable. She knocked back the second house offered to her because it did not have a carport for her car, which was valued at $30,000. Then she knocked back the third house offered to her because it did not have a storeroom for her lawn-mower. These new reforms knock off the waiting list such people who have demonstrated that they do not have a genuine need for public housing. There are people living in terrible conditions waiting for housing, and these sorts of people who are not in genuine need are clogging up the lists. These reforms will mean that the right people will get public housing sooner. I wholeheartedly support these reforms because they are about putting those families most in need into public housing.

**Mr ROBERTS** (Nudgee) (6.25 p.m.): There are two basic tenets of a fair and equitable public housing system—security of tenure and affordability for those in need. Both tenets are being dismantled systematically by this mean and uncaring Government. The previous Minister created 12 months of fear and uncertainty during the lengthy debate on public housing reforms, and the current Minister is now creating just as much fear and uncertainty via these harsh and unnecessary changes to public housing management systems.

My electorate has a significant level of public housing. I have taken an active role locally in keeping people informed and have been listening to the concerns that they raise about the reforms being driven by the coalition at both the State and Federal levels. The major issue being raised by tenants is that of security of tenure. It is probably the most significant factor to be considered in the whole debate about public housing. Security of tenure is important because it is the basis upon which families and communities grow

and prosper. Without it, the parallel problems of unemployment, dislocated families and low income are greatly magnified.

Security of tenure is being savaged under the changes now proposed by the Government, particularly the introduction of increased rents, the expansion of the wait-list areas and the coalition's version of the fixed-term tenancies. Security of tenure is an issue which not only magnifies the emotional and economic problems confronting low-income families; it also impacts directly on the ability of the local community to flourish and has a significant impact on the sporting, social and cultural development of a community. For example, school P & Cs and other community organisations suffer due to the instability that it creates.

In short, the destruction of the basic principle of security of tenure acts against the interests of families and the development of family values and also against the development of important social infrastructure that is crucial in developing communities to their full potential. It is a sad indictment on this mean-spirited Government. Its meanness is matched only by the raft of anti-family and antisocial initiatives being propagated by its colleagues at the Federal level.

The Government's mean-spirited approach to public housing is not just a new phenomenon. Over the past two years the coalition has rolled over and surrendered over $230m in public housing funds back to the Commonwealth. Only a fraction of this money has been replaced from other areas. Additionally, the coalition made the unilateral decision to cut another $35m out of this year's housing budget.

What are some of the other areas where savage cuts have dealt a blow to public housing funding? Soon after taking office the coalition instigated a capital works freeze, costing hundreds of jobs for Queenslanders. To exacerbate the problem of the freeze, the 1996-97 Budget provided for $45m in capital improvements, and this year it was cut to only $15m. Funding for the construction of new dwellings was cut by more than one third. Funding for the purchase of new dwellings was cut from 719 houses in 1996-97 to only 40 in 1997-98, and the maintenance budget was cut by over $7m. This raid on public housing finance will ultimately lead to longer waiting lists, less maintenance and lower numbers of refurbishments to existing housing stock. The aberration that will be caused by the introduction of the new wait-list areas will be only a temporary reprieve in terms of waiting list times for the Government.

The mean-spirited agenda of the Government has led to the changes now being thrust upon public housing tenants—changes which strike at the very heart of the public housing system. Rents for new tenants have been increased from 21% to 25%. The continual denial by the Minister that existing tenants will not be slugged with higher rents means very little when Treasurer Sheldon is on the record as wanting rent increases across-the-aboard. Additionally, the Government's coalition partners in Canberra are jostling to rearrange the Commonwealth/State arrangements for the funding of public housing to a system whereby higher market rents are charged and tenants receive a subsidy through the social security system. No guarantee that the subsidy will cover increased rents has been forthcoming.

The overwhelming majority of public housing tenants are in genuine need of housing assistance. These people deserve special consideration and should not be categorised as mere consumers of a service that they can freely access at will. That is clearly not the case. Most do not have the ability to choose that many tenants in the private rental market have; their income levels and family circumstances prevent it. These changes take them one step closer to being treated as no different from consumers in the private rental market.

Time expired.

Interruption.

## DISTINGUISHED VISITORS

**Mr SPEAKER:** Order! Before I call the honourable member for Redlands and, by special request, I recognise a group in the public gallery from the Corpus Christi Catholic School.

## PUBLIC HOUSING

**Mr HEGARTY** (Redlands) (6.30 p.m.): I firstly congratulate the Minister for Public Works and Housing for introducing these rational and much needed public housing reforms. I will specifically address the issue of the so-called rent rise for public housing tenants which, in actual fact, is a contradiction in terms as prospective tenants have not as yet paid rent.

So I remind the House that the reforms will affect only new tenants, ensuring that existing tenants in public housing in

Queensland will continue to pay the same level of rent, that is, 21.5% of their assessable household income on the first $299 per week and 26% on income above this level. They have Dr Watson to thank for this, because at the recent Housing Ministers Conference in Perth Dr Watson argued long and hard for existing public housing tenants in Queensland to be exempt from the rent rise. This was not the case in other States. In Victoria, for instance, rent for existing tenants went up to 23%. The Federal Government has insisted that all States provide effective and efficient delivery of housing solutions and target these solutions to those in greatest need. The message from the Federal Government is clear and the choice is simple: better target public housing or lose funding and accept reforms, such as the 25% rent level, or put at risk future Federal funding.

However, let me point out that it is quite misleading to say that there is a rent rise for new tenants. The reality is that their rents will more than likely drop when they enter public housing. This is because most people on the current waiting list, with the exception of those in community housing programs such as the community rent scheme, are currently in the private rental market paying higher market rates. The figure of 25%, which Labor has roundly condemned, is in fact quite acceptable to the Australian Council of Social Service—ACOSS. In the Federal Budget priorities submission for 1997-98 made by ACOSS, it has listed 25% of income paid on housing as being an acceptable level for people on social security benefits. So 25% is okay by ACOSS, but not okay by a hypocritical Labor Opposition. I say "hypocritical" because, under Labor's shameful Home Ownership Made Easy scheme, Queensland's low-income earners had to pay 27% of their income. That is 27%! On top of that, they had to pay rates, and that 27% rose by 6% each year.

I know of many battling families in my own electorate who are currently paying well over 25% of their income to purchase a house for themselves and their family. In fact, a number of commercial lenders will allow couples to pay 37.5% of their gross income on mortgage repayments, seriously reducing the remaining disposable income for other living necessities. That is 37.5%! Honourable members should remember that.

Let me put these rent levels into perspective. Here are just three examples of what new tenants in public housing will be paying per week. A single pensioner on a Department of Social Security pension will pay $43.50. A sole parent with two children will pay $59. A single person on the Newstart allowance will pay $40.50. I again would like to remind the members opposite that the 25% of income level is acceptable to ACOSS.

To summarise, may I personally say that I welcome the initiative of Dr Watson in bringing responsibility back to public housing. I am sure that the people of my electorate will applaud this package of reforms because they will ultimately mean better neighbours and better neighbourhoods. I think that all of us in this House, particularly members opposite, should bear that in mind. Public housing has had a rocky history. However, I think these moves will give some impetus to the public housing sector, will give some pride to those people who take up the opportunity to be public housing tenants and will augur well for all those in the public housing sector.

**Mr ROBERTSON** (Sunnybank) (6.34 p.m.): I rise to support the motion moved by the member for Chatsworth. There can be no clearer example of the philosophical divide between Labor and the Liberal/National coalition Government than how each side of politics views the role of public housing. In the 20 months that this Government has been in office, it has taken the knife to public housing in a deliberate and systematic crusade to reduce the availability, affordability and accessibility of public housing for that section of our community which is least able and has the fewest options to secure appropriate and secure accommodation.

To see this, we need only to look at the Minister for Housing's press release of 17 October in which he announced the changes being debated tonight. The undisguised contempt for public housing tenants is there for everyone to read. In paternalistic language and tones which are offensive to any fair-minded person, the Minister states that he wants public housing tenants to behave. According to this Minister, public housing tenants are people prone to irresponsibility and are a drain on responsible taxpayers. Mind you, this should come as no surprise. This view about ordinary people in our community was mirrored, of course, by the member for Mansfield recently when he described his own constituents as "ratbags".

The Minister perpetuates the folklore all too prevalent in the community about public housing tenants. His comfortable western suburbs vista is too far removed from the very real day-to-day problems faced by the unemployed, the aged and the poor for this

Minister to understand their needs and provide an adequate level of service in this vitally important portfolio. I must admit that I am very surprised that members opposite representing marginal electorates such as Mulgrave, Redlands and Aspley would show the same elitist contempt for public housing tenants as the Minister. I cannot wait to send their contributions to John Budd and my friend Mr Pitt, so that they can tell the members' constituents what they think about public housing tenants in their electorates.

I cannot wait to read the contributions of the member for Mulgrave in the Cairns Post. Tonight she has demonstrated the same graciousness towards her constituents as she demonstrated towards the member for Cairns on his retirement. We, of course, know how well that went down with the people up in Cairns. She is completely without grace. The member for Redlands is completely without compassion, and John Budd will be letting the people of Redlands know what their elected member thinks about public housing tenants.

This Minister would have Queensland believe that these regressive changes will be applied only to new public housing tenants. He claims that Labor is running a scare campaign by suggesting that these changes are only the thin end of the wedge. But the Minister's own briefing paper demonstrates exactly why Labor and existing public housing tenants should be so concerned. Put simply, these changes are the thin end of the wedge.

These changes have been quarantined to new public housing tenants to get this minority Government through the next State election, after which the provisions will be widened to encompass all existing public housing tenants. Lest any member be under any doubt as to the real intention of this Government, they should consider what the Minister's own briefing paper says. It acknowledges that the changes introduced by this Minister are part of a broad range of reforms agreed at a meeting of the Commonwealth and State Housing Ministers which focused on questions of eligibility, needs-based allocations, wait list management, pricing and tenure. This meeting allowed States and Territories a degree of flexibility in implementing the reform proposals in their own jurisdictions.

However, the Commonwealth has made it clear that capital funding beyond June 1999 will be predicated on significant progress on the agreed reforms being made. One of these reforms is for the rent level for public housing tenants to rise to 25% of household income in line with the national agreement of Housing Ministers reached earlier this year in Perth. But, unlike Victoria where rent for existing public housing tenants also rose to 25%, this Minister would have us believe that he fought for and was granted an exemption from the rent rise for existing public housing tenants in Queensland. But, in reality, this exemption will have a life until only June 1999 when the Federal Government will want to know why all public housing tenants pay 25% of household income in Victoria, but not in Queensland. Then the thumbscrews will be applied and this Minister will roll over and all tenants in Queensland will be paying rents based on the 25% model.

Time expired.

**Mr RADKE** (Greenslopes) (6.40 p.m.): May I firstly congratulate the Minister for Public Works and Housing for introducing these responsible, reasonable and much-needed reforms. I again remind the House that the reforms will affect only new tenants. Tonight I will specifically address the issue of fixed-term tenancies.

Existing tenants in public housing in Queensland will continue to have security of tenure. However, fixed-term tenancies will be introduced for new tenants. After six months, the tenancy will be reviewed and, if there are no problems, a 12-month lease will be granted. After 12 months of good tenancy, a three-year lease will be granted.

The strength of this new system is twofold. Firstly, it puts the onus on new tenants to be good neighbours. Secondly, it allows us to identify problems much sooner. For example, if a tenant has an undiagnosed behavioural problem, that problem can be identified earlier and the person can be given the proper assistance he requires. I should remind the Opposition yet again that a number of groups are exempt from these reforms. These include people with disabilities.

Once allocated a dwelling, tenants have an expectation that they can occupy the dwelling for life, provided that the terms and conditions of the tenancy agreement are met. While the existing policy is that security in public housing is in the tenure and not in a specific dwelling, in practice very few tenants are required to vacate unless they have significantly breached their tenancy agreement.

The most common exception to this is during major upgrades of existing stock, and this usually occurs with the option for tenants to choose whether they return to their previous

dwelling once the upgrades are complete. However, given the limited supply of public housing and the current capacity for those whose circumstances improve to remain in public housing, security of tenure does restrict access for those in greater need on the wait list.

These tenure arrangements also leave the department in a difficult situation with respect to the very small minority of tenants who have a poor tenancy record, regular arrears or significant neighbourhood disputes. Although the department can, and does, take action against such tenants through the Small Claims Tribunal, fixed-term tenancy agreements will improve the department's ability to end tenancies.

A small number of tenants, for example, are known to use the existing arrangements to deliberately take the department "to the edge", and then rectify the situation just prior to eviction proceedings being concluded. This behaviour can recur, creating a cycle of non-payment of rent for significant periods without any means of response available to the department.

All new tenants will be offered an individual probationary tenancy of six months, followed by a fixed-term tenancy of 12 months that will be renewed for a standard three-year period, unless the tenant demonstrates a poor tenancy record. At the end of the three years, the renewal of the lease will depend on the tenant still meeting the eligibility criteria for public housing. Those in special circumstances will be shown due consideration when tenancies are reviewed.

As I said before, these reforms do not apply to existing tenants. I support these reforms because they will help to ensure that public housing goes to those people who need it most. Dr Watson has restored responsibility to public housing.

**Mr NUTTALL** (Sandgate) (6.45 p.m.): Much has been said this evening concerning the issue of waiting lists in relation to public housing. My electorate is no different from any other. The waiting list in my electorate is about three years. The Minister's solution of shuffling people off to other areas is not the answer. The answer is to build more public housing.

I can give the House an example. In a development that was approved by the Labor Party when it was in Government, some 19 units were going to be developed. That development has now been slashed to 12 units. The Minister's response was, "We will slash it to 12. If anyone wants units we will whizz them off to another suburb." The Minister is going to whizz them off to Bald Hills. For people in my electorate, they might as well be sent to the other side of Brisbane.

**Mr Mackenroth:** Only because they thought the front part of that land was too good for public housing.

**Mr NUTTALL:** I thank the member for his intervention. This was a piece of waterfront land owned by the Government. Instead of constructing some nice units for senior citizens to reside in, the Minister sold it off to the private sector. If the Minister wants to come down to my electorate he will see the best and worst of public housing. The worst was built while the coalition was in Government; the best was built while the Labor Party was in Government.

Queensland has the largest population growth in Australia. Our population is growing at the rate of some 35%. Queensland already has approximately 20% of the national population. If people are in need of housing, the Minister's solution is to shuffle them off to another area where there is no support base. The Minister's solution is simply not good enough and he needs to do more.

The member for Rockhampton mentioned the need for two housing references. In his press release the Minister makes this proposition seem quite simple. He says that all a person needs to do is to obtain two housing references. Can honourable members imagine a person going to his present landlord and saying, "Look, can you give me a reference because I want to go into public housing?" How long do honourable members think that person would last in that house? The private landlord will turf that person out on his ear straight away. That sort of solution is not the answer.

The Government is going to put people on probation for six months. If the tenant is a good boy, after six months the Government will give him another 12 months. If he is a good boy after 12 months, he will be given three years. After three years the Government will reconsider whether the tenant has behaved or not. How on earth can a family sit down and work out the education needs for their children, jobs for themselves, and plan for the future when every six months, or every 12 months, or every three years, their position is under review?

The Minister can sit there shaking his head and indicating that that is not the case. If the department receives one complaint from anybody living in the area, the department will

come down on the tenant like a ton of bricks and throw him out. That is the fear that people have regarding this new policy. It needs to be changed for the betterment of people living in public housing. If one listens to the honourable member for Mulgrave and the honourable member for Aspley one would believe that the only people who misbehave in suburbia are those who live in public housing.

**Government members** interjected.

**Mr NUTTALL:** It came out of your mouth. If honourable members go to their local police station they will discover where most of the trouble occurs. Police will tell honourable members that most of the trouble does not come from people in public housing; it comes from people in the private rental market. It is not correct to say that all the trouble comes from people in public housing.

The other matter that really gets to me is the comment by the Minister that public housing tenants have to behave to the wider community standards. Who sets those standards? Who says that people in public housing do not know how to behave themselves in a proper manner? The people in need are the people who need looking after.

Time expired.

**Hon. D. J. H. WATSON** (Moggill—Minister for Public Works and Housing) (6.49 p.m.), in reply: After listening to the debate here this evening, I decided to look at the speakers list. What amazed me was not the names of members opposite that appeared on the speakers list, but the names that did not. If public housing is such an issue, why is the member for Inala not on the list? Fifty-two per cent of the member's suburb consists of public housing, but he is not here. The reason is that he supports the situation because he knows his constituents are better off.

What about the member for Cairns, whose electorate contains the second-largest number of public houses in this State? I know that he has just decided to retire; but simply because he has announced his retirement, does that mean that he no longer comes into this place and defends his constituents? Where is he? The member for Cairns is not here.

What about the member for Woodridge? Where is he? Why is he not here defending this? Because, in common with other members, he knows that this is good for public housing tenants. And what about the member for Bundamba, whose electorate contains the fourth-largest number of public houses in the State? Is he here defending his constituents and telling us what is wrong with the public housing reforms? No! He is not even in the Chamber. None of those members are in the Chamber. They do not want to be associated with the rest of the Labor members because they know that the reforms are good.

Where is the member for Townsville? He is not here. I know that he is retiring, too, but he is not here defending public housing tenants. He is not here trying to tell us what is wrong with the renovations.

**An Opposition member:** See how they vote.

**Dr WATSON:** That does not matter. The member for Sunnybank and the other silvertails, including the member for Rockhampton—none of the members whose electorates are most affected are here defending this.

**Mr SCHWARTEN:** I rise to a point of order. Thirty per cent——

**An Opposition member** interjected.

**Mr SCHWARTEN:** Pull your head in, you clown of a thing! I am the acting leader.

**Mr SPEAKER:** Order! There is a little bit of bad luck for the member for Rockhampton. That remark is unparliamentary and he will withdraw it. He will also state his point of order or resume his seat.

**Mr SCHWARTEN:** I withdraw. However, I point out to the Minister that 30% of my electors are in Housing Commission houses.

**Mr SPEAKER:** Order! There is no point of order. I call the Minister.

**Dr WATSON:** Let us be clear on what we are talking about here. We are talking about reforms which apply only to new tenants. They do not apply to a number of tenants who are completely exempt. Contrary to what the honourable member for Chatsworth said, these reforms are not about attacking the vulnerable and the genuinely needy in the community. The truth is exactly the opposite. People with assessed disabilities are exempt from the reforms. People in the Crisis Accommodation Program are exempt from the reforms. People in the Aboriginal and Torres Strait Islander Housing Program are exempt from the reforms. People in the Rural and Regional Community Housing Program are exempt from the reforms. The reforms will target mainstream new tenants in public housing.

It comes as no surprise to me that the member for Chatsworth has a problem with these housing reforms. He has a problem

because these reforms are something that Labor knows nothing about. These reforms are about being responsible. These reforms are about being responsible with taxpayers' money. These reforms are about ensuring that tenants behave in a responsible fashion.

The vast majority of public housing tenants support and welcome these reforms. They support the reforms because they want what everyone else wants. They want better neighbours and better neighbourhoods. They want what the community wants: a public housing system that targets the genuinely needy. These reforms are about making sure that the right people get public housing first and that, when they get it, they do the right thing. These reforms are also about securing Federal Government funding. As I have said, these reforms apply only to new tenants. They will reduce waiting lists and ensure that the most needy get housed. They will encourage good neighbourhood attitudes, and they will benefit everybody in the community.

Under Labor, there was a feeling in some areas that it did not really matter if a public tenant did not pay his or her rent; that it did not really matter if that person was not a responsible neighbour; and that it did not really matter if they damaged their house, because the Government would pick up the tab. Not any more! We have returned responsibility to public housing, and the tenants have applauded us for it.

Time expired.

**Hon. G. R. MILLINER** (Ferny Grove) (6.53 p.m.): I support the motion moved by the member for Chatsworth. After following this debate over the past couple of weeks, and from the information that is being circulated, one could get the impression that every public housing tenant in Queensland is a dreadful tenant. The problems in the public sector are no worse than they are in the private sector. However, we have had a knee-jerk reaction from the Minister to the extent that he has ordered a freeze on the allocation of all public houses for the past two weeks. This means that something like 800 people who could have been housed have not been housed. That is absolutely crazy. This mob have freeze on the brain. They froze the Capital Works Program and caused mayhem in the construction industry. They have now frozen the allocation of public houses for two weeks. I wonder what they are really up to. The sorts of things that have been going on in the past couple of weeks in relation to public housing tenants are absolutely crazy.

Many people have bought their public sector housing over many years. Of course, many of those people want to go into nursing homes. However, because this mob are supporting the death duties that are being introduced by Howard, those people will have to sell their houses to get into nursing homes. Government members should be ashamed of themselves.

**Mr Woolmer** interjected.

**Mr MILLINER:** The member for Springwood supports Howard and the Sheldon/Borbidge Government, who are supporting those disgraceful up-front fees for nursing homes that are nothing short of death duties. The tragedy is that those death duties are to be paid before people die. Members opposite should be ashamed of themselves for supporting impositions like that on those sorts of people.

Housing Commission tenants or people in public housing are, in the main, very good, honest, decent people. As the honourable member for Chatsworth said, we do not support bad tenants. It is crazy to suggest that we would do that. People do have a responsibility when they go into public housing to conduct themselves in a manner that is required of the community, and in the main they do. They are no worse than people in the private sector. To stigmatise people in public housing in this way is a disgrace.

Time expired.

**Question**—That the words proposed to be omitted (Mrs Wilson's amendment) stand part of the question—put; and the House divided—

**AYES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

**NOES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, 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, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

Pairs: Elliott, D'Arcy; Borbidge, Goss, W. K.; Sheldon, Beattie

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

Resolved in the **negative**.

**Mr SPEAKER:** Order! For any further divisions, the bells will be rung for two minutes.

**Question**—That the words proposed to be inserted be so inserted—put; and the House divided—

**AYES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, 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, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, D'Arcy; Borbidge, Goss W. K.; Sheldon, Beattie

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

Resolved in the **affirmative**.

Motion, as amended, agreed to.

## STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

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

Sitting suspended from 7.07 p.m. to 8.30 p.m.

## CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

### Resumption of Committee

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Clause 41—

**Mr FOLEY** (8.31 p.m.): Amendment No. 9 has been circulated in my name. The Minister is moving an amendment in similar terms, so the Opposition will support the Minister's amendment.

**Mr BEANLAND:** I move the following amendment——

"At page 34, after line 6—

insert—

'(3) A decision of the committee to make a requirement under subsection (2) must be made unanimously or by a majority of the members, other than a majority consisting wholly of members of the political party or parties in government in the Legislative Assembly.'."

I thank the Opposition for its support. This amendment ensures that there is bipartisan approval by the majority of members of the PCJC in relation to the functions of the parliamentary commissioner.

Amendment agreed to.

**Mr FOLEY:** I move the following amendment—

"At page 35, lines 13 to 33 and at page 36, lines 1 to 24—

omit."

If successful, the Opposition's amendment will remove the Government's attempt by this legislation to establish a reincarnation of the Connolly/Ryan commission. The Government's Bill sets out a proposed new section 118U, which provides that the parliamentary commissioner is to have custody of and deal with the records of the CJC inquiry. Proposed new section 118V(1) states—

"A person in possession, custody or control of records of the CJC inquiry mentioned in section 118U must, on receiving the written request of the parliamentary commissioner, deliver possession, custody and control of the records to the parliamentary commissioner."

The Government is seeking to do by legislation that which it fails to do in the Supreme Court and which it fails to do by the exercise of the power of the Governor in Council under the Commissions of Inquiry Act. Effectively this revives the Connolly/Ryan commission. The Government has acted with stealth on this matter. This was not one of the matters that was canvassed in the public document that was circulated. This is a proposal that attempts to play the three-card trick. The Government has taken the PCJC's recommendation of a parliamentary commissioner, namely, in the role of a watchdog, and transformed it utterly into a reincarnation of the Connolly/Ryan inquiry. But the Government was mindful of the fact that last time it was struck down by the Supreme Court for political bias, so it has moved later in its Bill to oust the jurisdiction of the Supreme Court on this occasion. That is, what we see here is a pernicious attempt by the Government to legislate right over the top of

the Supreme Court judgment to maintain its vendetta against the CJC.

**Mr Carroll:** Oh, that's not fair and you know it.

**Mr FOLEY:** It is interesting to see the depths to which the honourable member is willing to descend in trying to offer some support for this legislation. The honourable member should be standing up for the principles articulated by the legal profession about this Bill. The honourable member should be expressing among his colleagues the alarm that has been expressed among the legal profession at the Government's setting up yet another standing royal commission. Keep in mind, Mr Chairman, that what we are dealing with here is another standing royal commission. The parliamentary commissioner——

**Mr Carroll:** That's not true either.

**Mr FOLEY:** The honourable member may wish to consult the Government's own legislation, but he will find that the legislation confers the power of a commission of inquiry upon the parliamentary commissioner. If the parliamentary commissioner has the powers of a commission of inquiry and it is a permanent body, that is a standing royal commission.

**Mr Carroll:** Yes, but it's quite different from the other commissions that you've seen over the years—commissions with which the people of Canada, for example, have had trouble in recent years.

**Mr FOLEY:** It is different in that it, like all the others, has power pursuant to the Commissions of Inquiry Act to place tracking devices on vehicles, to use all of the array of extraordinary powers that have been brought into existence in order to——

**Mr FitzGerald:** Would you like your bedroom to be bugged for 600 hours?

**Mr FOLEY:** The inconsistencies in the Government's argument are becoming more and more apparent. The honourable member for Lockyer is worried about what he sees as an excessive zeal on the part of a standing royal commission. How does the Government fix that up? By setting up another couple of standing royal commissions—in this case the parliamentary commissioner, and we are going to see very shortly yet another standing royal commission in the form of a crime commission! If the honourable member for Lockyer is deeply concerned about civil liberties and the bugging of people's bedrooms—and I welcome his concern about issues of civil liberties—why does the honourable member not rise in disgust at the actions of the Government in setting up two more standing royal commissions?

**Mr Carroll:** What have you got to say about the Heery case?

**Mr FOLEY:** What do I have to say about the Heery case?

**A Government member:** I bet you wouldn't have liked that in your bedroom.

**Mr FOLEY:** I must say that I am delighted to see the outburst of civil liberties. At long last! I knew the day would come when even among the National and Liberal Parties the spirit of liberty would finally pierce that otherwise very solid exterior. To see this outburst of support for civil liberties is truly touching. It is all the more curious that what we are debating is the establishment of a standing royal commission in the form of a parliamentary commissioner who will be cloaked with the power to conduct a commission of inquiry.

**Mr Harper:** Look at the controls that are there. The Heery case wouldn't have happened if these were in, and that's the difference.

**Mr FOLEY:** The honourable member is quite touching in his confidence about controls. Can the honourable member seriously suggest that we solve the civil libertarian problems arising out of one royal commission by setting up three? That is exactly what the Government is doing.

**Mr Harper:** What did you do about it during the six and a half years that you were there? What did you do for six and a half years? Not a thing!

**Mr Carroll:** What did you do when you were Attorney-General?

**Mr FOLEY:** I thank the honourable members for their concern. We kept the fight against corruption well and truly on the rails. We ensured that the energies and resources of Government were applied to fight corruption, instead of what the current Government is doing, and that is applying the energy and resources of Government to fighting the CJC.

This is the ultimate "get square" clause. We are seeing something that has been slipped in by the Minister, not involved in the public consultation, and it is a device in order to reincarnate Connolly/Ryan and to continue the vendetta. It provides that the parliamentary commissioner will trawl through all the records. Members should keep this in mind: in doing this, the Government will effectively be overriding the finding of the

Supreme Court, which found that that material was tainted with bias. That is what the Government is doing. It is using the blunt instrument of legislation to override the finding of the Supreme Court to reincarnate Connolly/Ryan and to maintain a desperate vendetta.

This Government is making the CJC pay a very high price for its audacity in investigating Premier Borbidge and Police Minister Cooper over that secret memorandum of understanding with the Police Union. This is not about the politics of fighting corruption, this is about the politics of fighting the CJC. It is a disgrace. It is an attempt to use the parliamentary commissioner, which was set up originally as a watchdog, and turn it into a reincarnation of the Connolly/Ryan commission. The Opposition will be doing all within its power to oppose this provision.

**Mr BEANLAND:** The Government is opposed to the Opposition's amendments for a number of reasons. I will go through them carefully because I think that it is important. Clause 118U, to which the member for Yeronga alludes particularly at the moment, refers to records of the commission of inquiry into the effectiveness of the CJC and placing them in the hands of the parliamentary commissioner to consider and to refer on for investigation as is necessary.

Clause 118U(4) states very clearly—

> "If the parliamentary commissioner considers the records disclose an investigation matter, the parliamentary commissioner must refer the matter, and give access to records about the matter, to the appropriate agency for investigation."

It does not say that we can go out and start having royal commissions or anything else. It sets that out very clearly. I think that the Government has been most careful in this, despite the Opposition's attempt to whip up this issue. The clause states that the parliamentary commissioner has to go through the records.

Of course, we have a range of submissions—and unless the member for Yeronga is saying that the submissions by citizens of this State are biased, tainted or some such thing or that they are biased in the way in which they were submitted—that ought to be gone through. There is a range of evidentiary material that probably this person needs to have a look at to ensure that there is no criminality. I would hate to be the person to say, "Yes, we close it all up", and it turns out in years to come, and history shows, that there is criminality involved somewhere. I would not know whether there is or whether there is not. I am not suggesting that there is. If there were, no doubt that stain would be upon me, and the member for Yeronga would be the very first person to criticise me.

With respect to the Opposition, I am not proposing to set up another inquiry. Far from it! Sure, the parliamentary commissioner has the powers of a royal commissioner, but that is necessary because of the enormity of the powers of the CJC itself. I do not deny that. That has been asked for by the parliamentary committee. The committee has been on about this for some time. It has asked the Parliament to ensure that the parliamentary commissioner has the powers of a royal commissioner. That has been its strong recommendation. However, I think, with respect, this amendment is going over the top. If the member read that clause carefully and the sections that he is endeavouring to delete by his amendment, he would see that this Government is not trying to bring back the Connolly/Ryan commission of inquiry—no such thing. However, I certainly want to ensure that the material that has been submitted in good faith is processed and someone has a look at that to see whether there are issues of complaint that need to be followed up and whether there are legitimate issues that need to be followed through.

How would the member think I would feel if it turns out that there is material relating to paedophilia there and we chuff it off somewhere and it is never looked at? I do not know. I hear stories around the traps that some material has been submitted. I would not know whether that is true or not. I have not gone through the material. I do not intend to. It has nothing to do with me. There are other appropriate people who should be looking at that.

I have received a letter from the bipartisan PCJC. That is why we are moving an amendment, which we will come to shortly, to do with making the parliamentary committee an appropriate agency. I think that it is probably the next amendment. That committee has not said that it does not want this to happen; it has said that it wants to be an appropriate agency.

For the record, I want to make it very clear that the Government is not proposing anything of the sort—to reincarnate, or to use any other terminology, the Connolly/Ryan commission. Far from it! We want to deal with the complaints of honest Queenslanders. The clause states that if the parliamentary

commissioner considers the records disclose any matter that should be investigated, then he or she is then to refer it to an appropriate agency for investigation. The parliamentary commissioner is not to investigate it; he or she is to refer it to an appropriate agency. So I think that there are appropriate checks and balances in place.

I also say that the court did not find all the material tainted. I am sure that the court never found that the submissions that have come from a range of people tainted. Far from it! I would not suggest for a moment that it has. However, there seems to be a net that is cast out there to try to include that. It seems to me that only someone with something to hide, by the way in which this has been put into place, would be saying that this should not happen. Far from it! In fact, I think that this is a sensible course of action.

If there is material there that needs following up for further investigation, that should happen and that material should then be passed on to any other agency for investigation. The parliamentary commissioner is not going to prosecute anybody; he or she cannot do that. It has to end up with the DPP after any further investigations. That is a further check and balance to ensure that the appropriate action occurs with any of this material. I think that it begs the question why the Opposition seems to be so opposed to this. I think that the Government has been very careful with the way in which this matter has been handled to ensure that, if there is a need to follow up any of this material, it is followed up in the appropriate manner.

I have the letter from the PCJC. It supports it. As I say, it wants to be an appropriate agency in relation to this matter. It is not opposed to it at all. However, the Government wants to ensure that the matters are handled in an appropriate manner if there needs to be any further follow-up or any further consideration of this material that has come forward from the Connolly/Ryan commission. Who knows what might be included there. I do not pretend to know and I do not want to get involved in that. However, I want to ensure that that material is properly processed if there is a need for any further action. I am sure that is what the people of this State want to see.

**Mrs CUNNINGHAM:** The shadow Minister has, I think, accurately or rightly indicated some concern about this section of the Bill. Disappointingly, the discussion draft did not have this section in it. Therefore, it has not been possible to get any real feedback from people in the community as opposed to groups with vested interests. Certainly, there has been a lot of comment from the CJC and other groups with similar involvement or similar interests in the process. So it is certainly disappointing that something that is as inflammatory and something that has been subject to quite a deal of publicity and debate should have been left out and only included at the last moment.

Having said that, I believe that many people gave evidence at the Connolly/Ryan inquiry, prior to that inquiry being deemed to be biased, who believed that their concerns, which in some instances were longstanding concerns, would be finally aired and considered. There is an important role to be filled in having the information that they presented to the commission of inquiry reviewed for their benefit.

Fundamental to the credibility of the process will be the person who is appointed. I hasten to acknowledge that that person will be appointed by the majority of a bipartisan group. Again, given the accusations of bias and the accusations about people being inappropriately appointed to positions of such power, the validity and the value of the process will be reflected in the calibre of the person who is appointed to the position. The only way that a valid result will occur is if the parliamentary commissioner deals appropriately and objectively with the evidence and passes on issues of concern without political malice or political bias to the appropriate bodies, again for objective investigation. The people who gave evidence want that; it is the reason that they came forward. The bulk of the people who attended the Connolly/Ryan inquiry were after justice.

I will be supporting these clauses, not because all of my concerns have been answered but because I believe that there are sufficient numbers of people in the community who would like to see the evidence that was given to the Connolly/Ryan inquiry reviewed, particularly if it involves incidents of paedophilia or other serious activity that should be referred to an appropriate agency. I make those comments to the Minister in all genuineness. On the findings of the Supreme Court, a commissioner of one commission of inquiry was declared to be biased. It would be a tragedy for democracy in this State if that were to occur a second time.

**Question**—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

**AYES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, D'Arcy; Borbidge, Goss W. K., Sheldon, Beattie

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

Resolved in the **affirmative**.

**Mr BEANLAND:** I move the following amendment—

"At page 35, line 30, after 'means'—

insert—

'the parliamentary committee,'."

This amendment relates to the insertion of the parliamentary committee as an appropriate agency. I do this following a request from the all-party parliamentary committee that it be included as an appropriate agency in this clause of the Bill.

Amendment agreed to.

**Mr FOLEY:** I move the follow amendment—

"At page 37, lines 4 to 7—

omit."

This amendment deals with the issue of legal professional privilege, which is a privilege that attaches to ordinary people. It is not a privilege that attaches to the legal profession, despite its name. It means that the ordinary person can consult his or her legal adviser candidly, tell them the facts and get advice. There is a public interest in that, because candid advice will be sought and given only where it is privileged against disclosure.

The Government's Bill abolishes legal professional privilege in so far as it applies to the CJC. This would seem to be motivated by the Premier's displeasure at discovering the opinion of Hampson, QC, in respect of the Carruthers inquiry and by a determination on the part of the Government to get square with the CJC by ensuring that the CJC cannot rely upon legal professional privilege. This is a very short-sighted view, because it will prejudice the capacity of the CJC to seek candid advice and it will prejudice the capacity of any lawyer dealing with the CJC to give candid advice. That is a very bad thing, because it means that the opportunity to ensure that the CJC acts lawfully within its lawful guidelines is rendered more difficult.

Legal professional privilege is based upon a public policy that there is a public interest in the candid disclosures between a person and his or her legal adviser. It is a very short-sighted policy to knock this off in the way that the Government is seeking to do. This will make the task of the CJC in combating corruption more difficult, because instead of being able to rely on fearless advice, the CJC will have to rely upon advice from persons who may be tempted to temper their advice to make it more cautious, vague and ambiguous, lest it be hauled over by the reincarnation of the Connolly/Ryan inquiry in the form of the parliamentary commissioner. The Opposition accordingly moves this amendment.

**Mrs CUNNINGHAM:** It is my understanding that all of the bodies that the CJC would be obligated to make disclosures to are themselves subject to confidentiality requirements. I presume that would be the commissioner and the PCJC? Can the Attorney-General clarify that point?

**Mr BEANLAND:** As I understand the question from the member for Gladstone, the answer is: yes, within the terms of these amendments to the legislation the PCJC and the parliamentary commissioner are. The amendment proposes to delete section 118Y dealing with the commissioners' capacity to claim privilege against the parliamentary commissioner. The PCJC's vision for the parliamentary commissioner is that he or she will have access to all information. That access will not be achieved if the commission can refuse to provide a range of material to the parliamentary commissioner to which it might claim privilege attaches.

For example, legal professional privilege would perhaps attach to internal advices prepared by legal officers employed by the commission. The commission employs a range of those people. This may be very relevant to an examination by the parliamentary commissioner of the reasons that the commission has taken a particular course of action. This provision is put in here to ensure that the parliamentary commissioner does have the powers and abilities that the parliamentary committee envisages. After all, a great deal of material might claim to be

privileged by the CJC otherwise, and the whole thing could end up as somewhat of a farce.

Any material that the parliamentary commissioner would look at is subject to all of the confidentiality provisions contained within these amendments. This is not a matter that the parliamentary commissioner will tell the world about. Far from it! With the oversight provisions that the parliamentary commissioner has, I would have thought that this would certainly need to be included in the legislation, otherwise I could see ongoing arguments and blues occurring about what was privileged, what was not privileged and so on. I think it follows on from the other proposed sections to give powers to the parliamentary commissioner that are appropriate for these purposes, as was envisaged by the PCJC in respect of its commissioner gaining access to information.

**Mr FOLEY:** Let me respond firstly to the observations of the member for Gladstone and then to the Minister. The member for Gladstone asks: will this information that is procured not be confidential in the hands of the parliamentary commissioner and the PCJC? It rather reminds me of that great former member in this Chamber the Honourable Bill Eaton. Bill explained to me on a number of occasions that he could keep a secret; it was just the people he told who could not keep a secret. With respect, the reasoning advanced by the member for Gladstone is of that order.

**Mr FitzGerald:** Bill was a great bloke.

**Mr FOLEY:** My word, Bill was a great bloke. It is interesting that we should be looking at the powers of attorney legislation a little later on, because it was Bill who brought in that legislation in 1990 out of a great concern for people with a disability and a determination to do something about it. He had a wry sense of humour. The point that he made was that there is a big difference between something being truly confidential or, as the language of the law calls it, privileged and something which is not. The whole public interest involved relates to the candour of the communication between a person and his or her adviser. Once that is broken, the administration of justice will pay a high price.

I turn now to my second point. I ask the Liberal members of Parliament to apply their minds to this question, which should be one of the central questions of Liberalism.

**Mr Palaszczuk:** There are no true Liberals here.

**Mr FOLEY:** That may well be so. There is certainly no evidence of it. But I ask this: if it is now said that it is so important that this information be obtained out of the CJC that they are willing to knock down legal professional privilege in this case, what precedent does that set? What view will honourable members of the Liberal Party take the next time alarm is expressed over a particularly prevalent offence? We live in a time, like any time, when very serious offences are committed—murder, rape, arson, and sexual offences against children. Will the Attorney-General come into the Chamber and say, "This is a very serious offence. We need to know what these people are thinking. We need to know what sort of legal advice they are getting. We need to strip away this artifice of legal professional privilege"? For if they are prepared to do that on this occasion, what is there that will prevent them from pursuing that path? There are far more serious things to investigate in life than the relationship between these organisational bodies with which we are now concerned. There are offences of murder and rape—very grave offences.

For centuries the law has said that it would be madness to sweep away legal professional privilege because of the strong public interest that is served by having it there. I ask honourable members of the Liberal Party to consider this precedent; to ask themselves what stands between this precedent and the sweeping away of legal professional privilege more generally. If that is to be so, what claim do those honourable members have to describe themselves in however misleading a fashion as Liberals?

**Question**—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

**AYES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, D'Arcy; Borbidge, Goss W. K.; Sheldon, Beattie

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

Resolved in the **affirmative**.

**Mr FOLEY** (9.16 p.m.): I move the following amendments—

"At page 37, lines 23 to 27—

omit, insert—

'118ZA.(1) A parliamentary commissioner officer is not liable to an action or other proceeding for damages for or in relation to anything done or omitted to be done in good faith and without negligence in the performance, or purported performance, of a function, or in the exercise or purported exercise of a power under this part.'.

At page 38, lines 4 to 9—

omit."

I note that the Government will support the amendments moved by the Opposition and I thank the Attorney for that support. The first amendment relates to the protection of the parliamentary commissioner. The form of words which the Opposition has advanced to replace proposed subsection (1) is based on the form of words used with respect to the Inspector-General in the Federal jurisdiction dealing with ASIO. In our submission to the Committee, it is a more satisfactory form of words.

Amendment No. 13 is very significant because it omits proposed subsection (4), which is the highly objectionable provision that ousts judicial review.

**Mr Grice:** It's been accepted.

**Mr FOLEY:** It has been accepted, yes, and I am very pleased about that. I thank the member for Broadwater for his interest in the development in jurisprudence in this area. I am sure that he was shocked, as all other civil libertarians would be, by the disgraceful provisions that were proposed which ousted judicial review and which effectively put the parliamentary commissioner above the rule of law. This amendment ensures that the parliamentary commissioner is not above the rule of law; that he or she, like anybody else, can have their conduct called into question. If they exercise a lawful authority, that authority can be challenged in the Supreme Court. It seemed quite ironic to the Opposition that the Government's provisions made it easier to call the CJC into question by way of judicial review but impossible to do so with respect to this reincarnation of Connolly/Ryan that the Government has set up in the form of the parliamentary commissioner. I do welcome the Government's seeing the light at this late stage.

It is true that the precedent upon which the Government relied is to be found in the provisions covering the Ombudsman—the Parliamentary Commissioner for Administrative Investigations. Whatever the desirability of maintaining that provision in the Act, there can be no justification for not allowing the rule of law to run in its dealings with the parliamentary commissioner. Through its legislation, the Government has cloaked the parliamentary commissioner with extraordinary powers, and no doubt we will see even more when the Crime Commission legislation comes in. The Bill as it was presented to the Parliament contained a thoroughly repugnant provision which would have ousted judicial review. The Scrutiny of Legislation Committee commented on that adversely. I welcome the Attorney-General's acceptance of Labor's amendments on these important issues.

**Mr BEANLAND:** The Opposition's amendment No. 12 replaces the clause which gives protection from liability. The Government's clause was copied directly from the Bill which provides for the appointment of a parliamentary commissioner. I understand that there have been some concerns about the drafting of that clause. As the member for Yeronga says, he got his wording from another place. I am quite happy to accept that, as it deals with the same issues; it has the same meaning, but the words are constructed differently.

The second amendment moved by the honourable member, amendment No. 13, deals with judicial review. As the member for Yeronga says, it is based on the nature of the Ombudsman. Of course, the parliamentary commissioner, like the Ombudsman, is an officer of the Parliament. Further down the track, allowing this may cause some problems, but we will wait and see. Nevertheless, I accept the point that we currently need to have the appropriate checks and balances. That is the reason that I accept the amendment. That does not mean to say that there may not be problems. The parliamentary committee may end up in the Supreme Court, or something or other, in a fight which embroils the Parliament. But that is matter for another day. If that occurs, that can be looked at at the appropriate time. Because of the situation that we are dealing with here, there is every chance that that could easily occur. If it does, I am sure that the parliamentary committee will come back to the Parliament and ask for more changes, as it has done in the past. For the

sake of brevity, the Government will accept both of those amendments.

**Mr LUCAS:** I am very glad that the Government is accepting the Opposition's amendment in relation to our proposed section 118ZA(1). I understand that the Government based its original proposed subsection on the Ombudsman provisions in the Parliamentary Commissioner Act. It would be clear to anyone that the functions to be performed by the parliamentary commissioner in relation to the Criminal Justice Commission are substantially different from the functions to be performed by the Ombudsman.

The all-party Scrutiny of Legislation Committee was appalled and alarmed by the suggestion that we could have the extraordinary ousters that the Government was proposing would be contained in this clause. This is another example of the fact that, if the Attorney-General had sat down and given a bit of consideration to the issue and been prepared to entertain some discussion on it, we would not have had a situation in which the alarm bells were ringing.

The Attorney-General has said, "In the future we may have problems with accepting the Opposition's clause." However, it is taken from the Commonwealth Act which deals with the Inspector-General of ASIO. I respectfully submit that that is an analogous situation to that of the parliamentary commissioner. It is a supervisory type of role rather than an operational hands-on role. It is certainly one that should not be immune from the review of the courts. No-one should be immune from the review of the courts. I am glad that the Government is accepting this amendment. I believe that this is probably the most crucial of all the amendments to this Bill.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42, as read, agreed to.

Clause 43—

**Mr FOLEY**: The Opposition will oppose this clause. This clause amends section 123 of the principal Act which deals with applications for listening device material. The Government would propose the insertion of a provision to say that subsection (2) does not prevent the parliamentary committee, or persons authorised by the parliamentary committee, from searching notices, reports and orders in the commission's possession, custody or control.

Applications for orders for listening devices are things about which honourable members on the other side of the Chamber waxed lyrical just a few minutes ago. One would have thought that they would have been the very people who wanted to see that confidentiality was maintained, and that such material relating to applications for such orders would be kept under the tightest control possible.

If this amendment goes through, it means that the parliamentary committee, or persons authorised by it, may search notices, reports and orders which are in the commission's possession, custody or control. That involves a significant intrusion into the law enforcement role in an area where one would have thought that confidentiality was sought to be maintained. I notice the silence emanating from the Government benches, when only a few short minutes ago those opposite waxed lyrical in their concerns about the Matthew Heery case. Here is an opportunity for them to show that concern. I urge them to vote with the Opposition in opposing this clause.

**Mr BEANLAND:** This amendment proposes to delete the changes to section 123. These changes were specifically and strenuously asked for by the PCJC in order to allow the committee to conduct its monitoring role. The PCJC stressed that its role was especially important in relation to the intrusive powers, such as listening devices. I would have thought that the Opposition would have been supporting this amendment. I would have thought that the Labor members of the parliamentary committee would have supported the amendment. They will enjoy the fruits of yesterday's labour on this Bill, but they have not had the courage to support the Government on the very recommendations that they have asked for time and time again. Labor members of the committee have stood up in this Chamber and berated the Government time and time again, but they have not had the courage to support the amendment. What we are doing here is exactly what has been asked for by the parliamentary committee. In this instance we see party politics interfering. It is very disappointing. I think it says something about the whole debate. It is a pity that the Labor members of the committee have not supported at least some of these clauses which they specifically asked for.

**Mr FOLEY:** It is interesting that the Attorney refers to part of what the PCJC said and carefully avoids the rest. In mounting his attack upon PCJC members, he carefully avoids the observation that the PCJC made that its recommendation might need

modification if a parliamentary commissioner were to be appointed. The Attorney-General did not make mention of that.

In its supplementary submission to the Attorney-General, the CJC said—

> "Recommendation 15 of the same report spells out that modification, namely, that the parliamentary commissioner 'would be able to conduct audits on behalf of the PCJC and in this respect would be able to access current operational material (See Recommendation 12 ...)'. The parliamentary commissioner's powers to conduct such audits are clearly provided for ..."

The Honourable the Attorney-General did not make mention of that. He did not look at the way in which the PCJC's recommendations themselves described how they needed to be modified. Nor did the Attorney-General refer to the concern expressed by the CJC in the final paragraph of its submission to him in these terms—

> "There is also a broader concern in relation to the PCJC's access under section 98 to material in the CJC's custody. Under the proposed amendment to section 98, the PCJC can have access to any record or thing that relates to a finalised investigation. However, these records may also contain information which should always remain confidential on public interest grounds (for example, names of informants and details of protected witnesses). The Bill should be amended to make clear that the PCJC should not have access to this information. The CJC notes that to allow such access defeats one of the rationales for establishing a Parliamentary Commissioner."

It is quite unfair and inaccurate for the Attorney-General to attack Labor members of the PCJC who have served their committee and this Parliament well. The Honourable the Attorney-General would be better off reading the material that is submitted to him and reflecting upon the profound impact that the establishment of a parliamentary commissioner has upon the landscape of the legislation for which he is responsible.

**Mr BEANLAND:** Excuses will not save them for this particular day. The recommendations from the PCJC are quite explicit and quite straightforward.

**Question**—That clause 43, as read, stand part of the Bill—put; and the Committee divided—

**AYES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, D'Arcy; Borbidge, Goss W. K.; Sheldon, Beattie

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

Resolved in the **affirmative**.

Clauses 44 and 45, as read, agreed to.

Insertion of new clause—

**Mr FOLEY** (9.39 p.m.): I move the following amendment—

> "At page 40, after line 17—
>
> insert—
>
> 'Insertion of new s 139A
>
> '45A. After section 139—
>
> insert—
>
> 'Delegation by commission
>
> '139A. The commission may delegate the commission's powers under 1 or more of the following provisions to the chairperson—
>
> - section 19(4)
> - section 29(3)(h)
> - section 64(3)
> - section 67(2).'."

This amendment provides for delegation by the commission of the commission's powers under one or more of a number of provisions. In particular, this enables the commission to delegate to the chairperson its powers under section 19(4), whereby division directors are responsible to the commission; under section 29(3)(h), whereby the Official Misconduct Division is to perform duties directed by the commission; under section 64(3), regarding employment by the commission; and under section 67(2), whereby the CJC may issue directions for the performance of duties by CJC officers.

I note that the Government will support this amendment. I thank the Attorney for that.

In its supplementary submission to the Government, the CJC highlighted these concerns. It has to be said that, had the legislation gone through without this amendment, it would have simply been unworkable. It would have required the commission members to meet every time some minor task was required to be done by the CJC. It would have simply involved the commission grinding to a halt. It is disappointing that the Government was not willing to listen to the voice of reason prior to this and that it has taken the Opposition to sort out the mess by providing this delegation provision.

It has to be said that the original Bill that came before this Parliament would have simply been unworkable. This enables the commission to delegate powers to the chairperson in appropriate circumstances. It maintains the accountability of the chairperson to the commission, which is quite appropriate, but it overcomes the machinery problems that would have been a disaster and would have frustrated the CJC in its important role of combating corruption.

**Mr BEANLAND:** The Government will accept the amendment. I believe that, regardless of other things, some good management practices put in place would have overcome any difficulties; nevertheless, the Government is happy to accept the amendment, because, at the end of the day, the commission is a responsible body and that is the important aspect of the amendment.

New clause 45A, as read, agreed to.

Clause 46, as read, agreed to.

Clause 47—

**Mr BEANLAND** (9.43 p.m.): I move the following amendment—

"At page 41, after line 1—

insert—

'(2) However, subsection (1) does not require the commission to give the Minister any details that would, if given, prejudice a current sensitive operation of or investigation by the commission.'."

I note that the Opposition had circulated a similar amendment. Ours is a little more specific and defines the section a little more clearly. Under the Opposition's amendment, subclause (1) would not require the commission to give the Minister any details that would, if given, prejudice current sensitive operations of the commission. We have changed what the Opposition was suggesting to state—

"... does not require the commission to give the Minister any details that would, if given, prejudice a current sensitive operation of or investigation by the commission."

We pick up investigations and are specific about an operation. It is to be more definitive that I have produced the further amendment.

**Mr FOLEY:** In the circumstances, the Opposition will not persist with its amendment and will accept the amendment moved by the Attorney. The Opposition was moved to circulate this amendment yesterday precisely because of the concern that the unbridled power conferred by clause 47 could prejudice sensitive operations or investigations by the commission. The Opposition was concerned to ensure that the fight against corruption would not be prejudiced and that, in particular, sensitive investigations would not be prejudiced. Accordingly, we circulated that amendment. I am pleased that the Minister has acceded to it.

That having been said, I want to make it very clear that any Government must be accountable for the Budget. Much is said of the independence of the CJC. We have discussed that issue loud and long. However, the CJC does not raise its own taxes. The CJC, in common with any agency, is dependent upon the public purse. It must be independent in its operations, but what we are dealing with here is the traditional role of the Parliament to control the public purse. As the Attorney-General well knows, in parliamentary Budget Estimates committee hearings, the Opposition will quiz the Minister about the budget for the CJC. The Opposition accepts that it is reasonable for any Minister who has responsibility for the control of a budget to know in broad terms how that budget is to be spent. That is what the doctrine of ministerial responsibility is about. There is much confused thinking when one speaks of the independence of the CJC, for in the Fitzgerald report it was made perfectly clear that in budget matters the Minister would have budgetary responsibility. It is important that accurate information should be given. Anyone who has had the honour of holding a ministerial office will know that from time to time the Treasury Department makes life difficult for all Ministers and departments.

**Mr FitzGerald:** Look who is behind you.

**Mr FOLEY:** I could feel the spectre of the member for Cairns when I said that. The member for Cairns is a past master at the scientific art of causing sufficient amounts of pain to produce a healthy response in the

body politic. The point is that although this Opposition has taken strong issue with the Government at what it sees as attempts to compromise the independence of the CJC—and we adhere to that view and we will oppose the third reading of this Bill, which we regard as a maintenance by the Government of its vendetta against the CJC— nonetheless, we want to make it perfectly clear that, as far as budgetary responsibility is concerned, the principle must be that the Parliament appropriates the Budget, that Ministers in this Parliament are responsible for the Budget and will be called to give an account. With that responsibility must come the capacity to inform themselves adequately and properly.

Having said that, it is important that that be done in such a way that it does not give rise to a compromise of the operational independence of the Criminal Justice Commission, for that independence is vital to maintaining the fight against corruption. However, I am pleased that commonsense has triumphed in ensuring that this important safeguard is inserted with that power.

**Mr BEANLAND:** I say very briefly that I am pleased to have the Opposition's support and its recognition of the fact that the Minister must have the capacity to access budgetary information to allow him or her to perform his or her particular functions. Certainly, the amendment was proposed not for any ulterior motive but simply to ensure that the Minister of the day can carry out his or her functions properly.

It has been argued that the total sum of the money that goes to the CJC then becomes a matter for the CJC. Without going into details, there are line items and other material. No-one wants to get involved in the CJC's operations; far from it. However, other issues that come along need to be looked at. As I said earlier, the Minister has access to all the matters to do with the funding for the Director of Public Prosecutions and the funding for the courts—the Supreme Court, the District Court, the Court of Appeal, the Magistrates Court, and so on. Again, no-one suggests for a moment that there is ministerial interference in the judicial decision-making processes. If that were to occur, then I am sure that we would hear long and loud from the courts, from the Director of Public Prosecutions or from the CJC itself. I think it is appropriate that this matter is clarified. The Minister of the day has certain budgetary responsibilities. I thank the Opposition for its support in this matter.

**Mr FOLEY:** I take this opportunity to thank the staff of the Office of the Queensland Parliamentary Counsel for its assistance to the Opposition in the drafting of the amendments which have been the subject of discussion during the course of the Committee stage and in particular Ms Lesley Dutton for her professional expertise in the drafting.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clauses 48 to 50, as read, agreed to.

Bill reported, with amendments.

### Third Reading

**Hon. D. E. BEANLAND** (Indooroopilly—Attorney-General and Minister for Justice) (9.58 p.m.): I move—

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

**Question**—That the Bill be read a third time—put; and the House divided—

**AYES, 41**—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, 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, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

**NOES, 41**—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, D'Arcy; Borbidge, Goss, W. K.; Sheldon, Beattie

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

Resolved in the **affirmative**.

## COAL LEGISLATION AMENDMENT BILL

### Second Reading

Resumed from 8 October (see. p. 3693).

**Hon. T. McGRADY** (Mount Isa) (10 p.m.): The Opposition will not oppose this Bill, but we have circulated a number of amendments to it. Tonight, I stress that we have given a great deal of thought and attention to this particular Bill. We hope that the amendments that we have foreshadowed will be accepted by the Government, because we believe that they will

go a long way to improving the legislation that is now before the House.

Tonight we are discussing the safety of the coalmining industry. I think it is important to realise that in the years of the Goss Government, when I was the Minister I set up the tripartite committee that consisted of the department, the Queensland Mining Council and the appropriate unions that work in the industry. However, as a result of the Moura disaster, I suspended all the actions of the committee and waited until the Moura report was forthcoming. I stress at the outset that the Opposition appreciates the work that has been done by those people to try to improve safety within the coalmining industry, because we believe that there is nothing more important than safety in any industry, particularly the mining industry.

The mining industry plays a very important role in this State and, indeed, in this nation. There is no greater supporter of the industry than myself. It is sad that very few members of Parliament have any understanding at all of how the industry operates. I hope that in the years to come a greater number of people from the industry will sit in this place.

I am certainly not comfortable with some aspects of this legislation. The main thrust of the legislation is to move responsibility for mine safety to the coalminers. I understand that there will be a four person board, three of whom will come from the mine owners and one who will be an employee. It is important to realise that there is no direct union representation on the board, although people will say that there is an elected person on the board. However, there will still be no official representative from the trade union movement on the board. In years to come, people will come to understand and appreciate the error of this decision.

At the present time, mine safety is financed at three levels: the Government, the Workers Compensation Board as it was known, and the mine owners. Under these proposals, it will be financed wholly by the mine owners. I am a little afraid that the old saying "he who pays the piper calls the tune" will come true. I am concerned that Mines Rescue, as we knew it, will be used purely as a company and the almighty dollar will rule when many decisions are made. We simply cannot afford that.

The other thing that concerns me is that under these proposals, the underground operators will bear the brunt of the financing of this board. I accept the fact that the open-cut operators will pay a percentage and they are, in the main, the more successful coalminers, yet they will be paying less towards safety within the industry. No doubt people will say that Mines Rescue works basically in underground operations, but at the same time it is an industry and I believe that there should be equal sharing of costs. That is a major departure from the way in which it currently operates and that causes some concern to myself and, indeed, to the Opposition.

One could not discuss the Queensland coalmining industry without having some words to say about the current situation in the central Queensland coalfields. In recent times we have witnessed some of the coal companies throwing their weight around and blaming all of their problems on labour costs. Some of those companies are ignoring the fact that some of these mines have been overcapitalised and too much money has been invested in infrastructure. In addition, one of the major problems as I see it is that of isolated managers who sit behind their desks and read computer print-outs on productivity data, but fail to take into account some of the real problems on the mine sites. The mining companies should address that issue.

Of course, in recent times the Prime Minister and, in particular, Peter Reith and the Treasurer of this State have endorsed the abuse of the industrial relations legislation. They have made public comments supporting the companies that, in my opinion, are flouting the Act by slowing down negotiation processes and backflipping on agreements.

The Opposition and the Queensland Labor Party is disappointed with the recent behaviour of some of the coal companies. One should not forget that the Goss Labor Government arranged substantial concessions for many of those operations by abolishing the Federal export royalties and overhauling the coal rail freight system. These initiatives delivered hundreds of millions of dollars each year back to the coal industry's pockets. However, they appear to have bargained away this windfall in price negotiations with some of their overseas customers. Then they have the gall to return to their mines and put pressure on their work forces to reduce costs in order to recoup the part of their margins that was given away across the negotiating table. At the very least, the coal companies should respect the legislation now governing industrial relations in their particular area.

The coalition has a responsibility to ensure that companies behave within the parameters of the legislation. We hear a lot

about the impact on the profitability of companies and the so-called loss of exports. Coal that is not mined does not disappear into thin air but stays in the ground and will be exported at a later date. However, we hear little from the companies, the coalition and the media about the impact that has on the workers, the workers' families in particular, and the communities as a result of the confrontation that is currently being pursued. For example, at Blackwater in recent times five businesses closed their doors as a direct result of the sacking of the workers from the Curragh mine.

Australians have every right to be appalled at the despicable behaviour of some of the companies which have imported hired guns to harass a peaceful community. I make it perfectly clear that this is an unwelcome Americanisation of part of our coal industry. The Borbidge Government should reject these un-Australian acts of treachery. I do not rely upon media reports when I make those statements. Just a few short weeks ago, two colleagues and I visited Emerald. We were followed around by some louts with guns on their hips who took photographs of myself and my colleagues. This is not the way Australians conduct industrial relations. It is an absolute disgrace.

What has happened as a result of this situation? The second most important and influential politician in the State of Queensland, the Deputy Premier, has actually supported this outrageous action. She claimed that because there was one idle threat mouthed by a coalminer, the company had every justification in calling in an army of gun-toting security goons. That just proves to me and, no doubt, to many people in this State how little the Treasurer and the Government care about the welfare of Queensland citizens. One has to ask: where is the State heading?

One other aspect of this legislation is the abolition of the Queensland Coal Board. I have no problems at all with that. It is fair to say that, as the Minister, I reduced the membership and responsibilities of the Coal Board from 29 down to about nine, because I felt that the Coal Board was simply duplicating many of the activities of the department. However, I was concerned that some of the safety aspects of the Coal Board could disappear. I certainly hope that the people in those remaining positions, which have now been taken up by departmental officers, will ensure that safety is paramount.

One of the concerns I have is that one of the Coal Board's aims and objectives was the promotion of Queensland coal. The coal companies will tell us that it is their responsibility to promote their coal. So we have BHP trotting around the world promoting BHP coal, MIM travelling the world promoting MIM coal and ARCO travelling the world promoting ARCO coal. In my opinion there needs to be somebody and some organisation which promotes Queensland coal. In this day and age, with the multinationals becoming very much involved in the industry, we have a situation whereby BHP mines its coal in Queensland, New South Wales, Indonesia and other countries. I believe there has to be a body that promotes Queensland coal. It has to be promoted. That was one of the roles of the Queensland Coal Board. Again, as that board has now been abolished, people tell me that that work will be undertaken by the department.

With all due respect to the department—and I do not want people saying tomorrow that I was critical of them, because I am not being critical—we need a special type of person to promote that commodity. That does not necessarily have to be a person who has worked for the department for the past 15 years. We need somebody with drive and enthusiasm, and who understands the product being sold. I appeal to the Minister not to ignore that aspect of the work of the former Coal Board.

Some of my colleagues tonight will dwell on the specifics of the safety aspects of the industry and in particular some of our concerns. As we are talking about the Coal Board—and I may be ruled out of order for this—I wish to speak about another concern that I have. Just last week, the Premier, the Deputy Premier, the Minister for Mines, the Minister for Transport, the Minister for Development and a whole array of Ministers went out to the north west. In their speeches they came out with platitudes about just how important the mining industry is to the State of Queensland. They were telling us how important the north-west minerals province was to the economy of Queensland and how it would be the salvation of our State in years to come, yet just a few short months earlier the same Minister and the same Premier removed the status of regional office from the Department of Mines and Energy in Mount Isa and transferred it across to Townsville.

We had a discussion earlier today about Townsville. Townsville is a beautiful city, but as I travel around the City of Townsville I do not see too many mines. We have heard Governments talking about decentralisation

and the folly of moving things away from country Queensland to the major centres of population. This Government has the audacity to close down the regional section of the Mines and Energy office in Mount Isa and transfer it to Townsville. That is a disgusting, dreadful and hypocritical action for a Government to take, especially after it spent two or three days in the north west telling us how important the area is.

As I mentioned in my opening remarks, we have put forward a number of amendments in my name representing the Queensland Opposition. The Minister has indicated that he is prepared to accept some of them. I stress that we have not been playing games. We have not been playing around with words. We have not been trying to defeat the Government in this place. We have simply put forward these amendments in a genuine attempt to improve this legislation to make the coalmining industry in the State of Queensland that much safer.

Although the Minister will tell us that there has been a change of culture in mine safety and mines rescue, I still believe that it is the responsibility of the State Government, and in this case Queensland, to ensure that workers throughout the State are working in a safe environment. When we are speaking about an industry such as the mining industry, it is doubly important that we provide a safe working environment. I am afraid that any move by a Government to relax the expectations of the industry in the field of safety has to be resisted.

With those few remarks, I once again reaffirm that we will be moving these amendments. We will not be dividing on the Bill. As I mentioned before, this Bill has come to this Parliament as a result of the tripartite work that has taken place over the past couple of years. Again, I pay tribute to those people who have worked long and hard in trying to improve the safety of our mining operations.

At times, we hear people from the other side of the House pouring scorn on the activities of the trade union movement, but seldom if ever do we hear about the work that the unions do on the many committees in the industry to try to make the industry a better one in which to work. On behalf of the Queensland Opposition and the Queensland Labor movement, I again place on record my appreciation to members of the Queensland Mining Council and in particular to the members of the Queensland trade union movement for the work that they have done in trying to bring about a better and safer working environment for the coalminers and all miners in this State.

In conclusion, I want this Parliament and the people of Queensland to realise once again that, with all its faults, the mining industry is still the industry which provides the wealth and jobs for the State of Queensland. It provides decentralisation for our State. At times, the critics of the industry would do well to understand just how important it is. As somebody who comes from the industry, I think I have the right to stand up here tonight and express my concerns at some of the actions that one or two of these coalmining companies have engaged in recently. I repeat that this is un-Australian and it is something that we do not need in this State today. I certainly hope that in the not-too-distant future we can resolve some of these industrial problems which are facing the men and women in central Queensland. I certainly hope that this does not extend to other parts of the State.

**Mr PEARCE** (Fitzroy) (10.19 p.m.): The Queensland Mines Rescue Brigade provides a vital service to Queensland's multimillion-dollar mining industry and to the thousands who work in the inherently hazardous underground coalmines. While debating this legislation, we should not forget that open-cut mines also have a rescue service. However, the legislation before the House is specific in dealing with, in the main, underground rescue services. The Mines Rescue Brigade is a volunteer service made up of mineworkers who are trained by a small team of paid trainers employed by the brigade. These dedicated volunteers with the support of their families give their time to train in rescue techniques such as resuscitation, particularly in what are known as irrespirable atmospheres, that is in conditions requiring breathing apparatus, such as those which occur in coalmines after a major explosion or fire.

People in this place would not be aware that brigade members require a high degree of fitness and a high degree of skill. It takes a lot of hard work from these dedicated volunteers before they achieve the certificate of competency which allows them to participate in rescue operations. These miners are not just trained for the purpose of saving lives; they are also trained to save mines so that those mines can continue to operate and provide jobs.

I believe that the Bill before the House has the potential, if not correctly managed and monitored by the Minister, to become the greatest blunder that this Government will

make. It has the potential to become a blood Bill because the structure under this legislation opens the gate for more than one provider of mines rescue services. Clearly, this Bill allows for the dismantling of the mines rescue service as we know it today. If we refer to the legislation, we see that proposed new section 103(I) states—

> "A corporation may apply to the Minister for a grant of accreditation to provide mines rescue services"—

The expression is not a mines rescue service, but mines rescue services. That is where my concerns arise. I have real concerns about this legislation and the eventual outcome on the standard of rescue services across the industry. The CFMEU has indicated that it supports the changes. As a matter of courtesy, on Tuesday we provided the Minister with proposed amendments to this Bill that we are now debating. The Minister has given those amendments consideration and the shadow Minister will move those accordingly.

I want to make it quite clear—as did the Minister—to honourable members in this place that the proposed amendments are not about political point scoring. The purpose of the proposed amendments is to add legislative strength to ensure that mines rescue service standards do not suffer through the decline of funding, personnel, equipment or training. The Minister will argue strongly that this will not happen because of the cost involved in setting up a corporation and the need for a corporation seeking accreditation to meet performance criteria.

While it has been on the agenda for some years, I feel that the Government may have lost the plot in its eagerness to restructure mines rescue services. Only time will tell whether a restructured mines rescue service can deliver, when required, the expertise and coordination to deal effectively with a serious mine incident. God willing, I hope that there is never an incident of such magnitude that is exacerbated due to the failure of the mines rescue services to effectively respond.

My prediction is—and I hope that I am proven wrong—that the outcome of this legislation will result in disjointed multiservice providers similar to Western Australia's metalliferous mine rescue services. In Western Australia, that industry is now looking for a major provider of services just as we have here in Queensland under the Queensland Mines Rescue Brigade. They are looking to a similar organisation as a provider of training and service delivery because there is no consistency in standards across the industry, and that is my concern. A major emergency at a mine that requires support from other mines is in itself a risk because of the different standards of training, equipment and familiarisation with a mine environment.

I have always argued in this place that the safety of Queensland miners is something that cannot be compromised. I believe that the amendment Bill before the House will compromise the safety of Queensland mineworkers. It is unfortunate that the record of this Government and the previous National Party Government in regularly getting into bed with the coal companies scares the living daylights out of me. I believe that this legislation in the long term will spell the end of the rescue brigade as we know it today. One only has to turn to page 4 of the Explanatory Notes to find a good reason to be concerned about the retention of the long established high standards set by the Mines Rescue Brigade in Queensland. The notes state—

> "The industry (Queensland Mining Council) was strongly of the view that it wanted full control of the mines rescue organisation if they were to provide full funding."

What does the Government do? It bows to the wishes of the coal companies, therefore leaving the lives of mineworkers in the hands of coal producers. I can tell honourable members that I have had my experiences with them. By doing this, the Government is simply wiping its hands of being a party to ensuring that the highest standard of mines rescue services is provided to the Queensland coalmining industry. When a problem arises with the system the Minister can rightly say—I can hear it now—that the management of the QMRS is in the hands of the board of directors of the corporate structure. He has no responsibility; he can say, "It is not my problem; talk to the board." The Government, through association and as a beneficiary of the revenue raised through the production and sale of coal, has a moral obligation to make sure that mineworkers are looked after, that their workplace is safe and that, if there is a serious incident, the best trained and best equipped mines rescue team is available. For the sake of saving $1.2m, this Government is walking away from that obligation.

Let me say to the Minister: I believe he is making a big mistake. To achieve the best and reliable outcome from the restructure, I feel that an interim period should have been written into the legislation so as to allow the new structure to settle down before other

service providers were allowed to move in on potential profit-making areas of the mines rescue service. This legislation allows for the demise of the mines rescue service. If the failure of the new structure costs the lives of miners, I will hold the Minister personally responsible. He should remember one thing: the buck stops with him. I accept that he, as Minister, is only as good as the advice he gets from his advisers.

Let me tell the Minister something about the coal industry. The industry is very much aware of the attitude of key people within the Department of Mines and Energy and their private belief that the Queensland Mines Rescue Brigade is not needed. I have seen documentation of records kept on telephone calls in which certain people have made statements that they do not believe that there is a need for a Mines Rescue Brigade service in Queensland. I would hate to think for one minute that that is the reason why certain people are pushing for this change.

I believe that the Minister has shown misjudgment in not insisting that a union representative be a member of the board of directors. It shows that the departmental officers and the mining companies are running the department—and that worries me. The Minister's refusal to allow a union representative on the selection panel for the selection of inspectors under the new structure has caused a lot of concern about the way in which he and his Government do business. He as Minister has lost credibility on the issue, the department has lost credibility and there is no respect for the process that is in place. There is a big story behind that, but I am not going to raise it here tonight because my opportunity to bring that to the attention of the Parliament will come in the future.

Before moving on to the Bill, I wish to challenge the consultation claim made in the Explanatory Notes. My inquiries with employees, representatives, members of the QMRB, committee, management and staff reveal that, while there was some consultation, it was minimal. When one reads the Explanatory Notes one could be forgiven for believing that there has been sincere, ongoing consultation to such an extent that there is complete satisfaction with the legislation that is before the Parliament tonight. That level of consultation has not taken place, and one could not believe that it has from reading the Explanatory Notes, and that is hardly the best way to achieve an acceptable outcome.

For the Minister's information, I say that at a briefing yesterday we were told that the union was in agreement with not having a member on the board of directors. Let me say that the union did seek inclusion, but that was denied. As a matter of interest for the Minister, I wonder whether he is aware that parties to the new coalmining legislation were told last week, without prior warning, that the draft before them was the last opportunity for changes, despite many areas not being suitably agreed to by mining companies and the union. Where are we heading with that legislation? We are heading down the same path. Has the Minister been told that that happened last week? Has the Minister been told that there is an agreement between the parties? I think the Minister should check that out because there are certainly some bad feelings about what happened out there last week.

I want to deal with some of my concerns about the Bill before the House. I want to look firstly at the corporate structure. The new QMRS corporate structure will be run by a board of directors. For the interest of honourable members, I point out that the board comprises three mining company representatives and a fourth member to be elected by the QMRS trainees. The State manager of the service is an ex officio member of the board and will act as secretary. We have three mining company votes to one employee vote. If an argument develops about resources, funding or the standards, the old miners out there—the fellows who are paying the bills—will find that they are outvoted by three to one. Industry workers have been denied a representative on the board despite a request from the CFMEU to be included. The decision by the Minister to deny this request is in contrast to the New South Wales body, which has two industry employee representatives on the board. I ask the Minister to give this matter serious consideration. He should not deny coal industry workers—the miners, the people at the coalface—the right to have a say in the delivery of a service that may one day play a significant role in saving their lives and the lives of others who work in what we know is a hazardous environment.

There is also supposed to be a management committee. To date it has not been appointed. I am advised that there is no requirement for this committee to be set up under the corporate structure's articles of association. I understand that the relevant wording is that, "The board of directors may set up a management committee." The board of directors does not have to do that. Again, miners at the coalface are going to be denied

an opportunity to have a say in the running of the service. That is a situation that the industry employees are going to find very hard to wear when they become aware of it. The fact that the board of directors consists of three mining company nominees and one industry employee representative really sticks in my gut. We do not have a hope of ever winning over the mining companies in their determination to cut costs.

It would have been great if the Opposition could have had a copy of the articles of association before the legislation passes through the Parliament, because my concern is that the devil is in the fine print. Perhaps I should say that the devil is in the unseen print. If there is nothing to fear, the Opposition should have had access to that document. I guess that we will see it one day and I will not be at all surprised to see a lot of my concerns substantiated.

During the briefing on Tuesday, I requested details of the formula to be used in determining the level of financial contribution from individual mine owners. I cannot understand why the formula for levying coal miners has not been provided. What is the secret? Why could we not have a look at it? Again the devil is in the unseen. The information I have been able to obtain from industry people indicates that 28 open-cut mines will contribute about 45% of the cost of running the QMRS and 16 underground mines will provide the other 55% of the cost. That means that the greatest cost burden is on the mines that can least afford it. The new structure will survive or fail depending upon the ability of the board to maintain funding at a level of continuity so as to maintain standards of service to meet the requirements of the QMRS and the expectations of the public. We should not forget the expectations of the public. The public had a lot to say after the last Moura incident. I have lived with a lot of those hurts because I worked in an underground coal mine and I know how those families would be feeling.

**Mrs Bird:** Just an old coalminer.

**Mr PEARCE:** Yes, just an old coalminer. The unconfirmed impacts of the formula are alarming, and are bringing on significant increases in the contribution rate. For example, Gordonstone mine paid $21,000 to $23,000 under the current structure. That mine's contribution under the new structure will rise to over $300,000. South Blackwater this year pays $63,000 and next year it will pay $230,000, an increase of $170,000. Knowing mining companies as I do, honourable members can bet that they are already looking at ways to reduce those costs. It would be safe to say that this legislation has not even been passed by the Parliament but the budget for the service is already under threat.

I could be reading the impact of this legislation wrongly. If I am, I am prepared to stand up in the future and say so. The proof is in the pudding. My concern is that because of the decrease in the standard of the service that is now provided we will see a serious outcome that we will find very hard to live with. That responsibility lies with the Government.

The Bill allows for a grant of accreditation to provide mines rescue services. A requirement of accreditation is for a provider to meet the specifications of the course or training programs stipulated. The question is whether or not the courses or training will meet competency standards. What guarantee can the Minister give that will convince industry employees that competency standards will be adhered to at all times as set down in the specifications?

The Queensland Mines Rescue Brigade, under its current structure, provides a number of services, including: training for members; firefighting techniques, training in spontaneous combustion gas management, ropes access, team procedures and breathing apparatus use and maintenance. As I see it, the Bill allows for a provider to provide services so long as the provider meets the functions and performance criteria. There is nothing in the Bill that says that the provider has to provide all the services currently under the QMRB umbrella. As I understand it, a corporation can apply for accreditation so long as that corporation meets the performance criteria and can provide that service to all mines.

For example, a company by the name of Fall Right has accreditation to provide ropes access training. The New South Wales Mines Rescue Brigade could apply for accreditation to provide a service or services under this Bill. Already we have people who can come in and start hacking into the services that we have in place. The company must provide a standard of service which satisfies the performance criteria. The performance criteria in the Act are not specific about the need for rescue brigade volunteers to have refresher training on a regular basis.

Time expired.

Debate, on motion of Mr Campbell, adjourned.

## ADJOURNMENT

**Mr FITZGERALD** (Lockyer—Leader of Government Business) (10.40 p.m.): I move—

"That the House do now adjourn."

### Sexual Assault Counselling, Bundaberg

**Mr CAMPBELL** (Bundaberg) (10.40 p.m.): I unexpectedly rise tonight in this Adjournment debate to speak about a matter that really concerns me. It is a very difficult local issue. Kids Helpline, a telephone counselling service, has said that children in Bundaberg—boys and girls—are more concerned about drug and alcohol problems, physical and sexual abuse, homelessness and family break-ups than anyone else in any other area in Queensland. I am outraged by this. Today I called on the Minister for Families to convene a meeting to consider what services can be provided to children in Bundaberg. Every child, especially in a city such as Bundaberg, has a right to face-to-face counselling services, not just a 1800 number which services boys and girls in the south-east corner of the State.

BASAS, the Bundaberg Area Sexual Assault Service, which services families who have suffered from sexual abuse, claims that 153 children—members of those families who are under the age of 12—cannot be counselled in Bundaberg. That is outrageous. Women and teenage girls can obtain counselling for sexual abuse, but that counselling is not available for young boys or young girls. The problem is that the damage is done at a very young age, and I believe that this service must be provided at that very young age. If we cannot provide the necessary services and professionals, then something is seriously lacking in the moral fibre of our whole society.

This is Sexual Assault Week. I believe that people should be made aware of these concerns and of the long-term problems that are created for families and children. How do we stop that cycle wherein the abused becomes the abuser? We will never stop that cycle if we do not have the professional people in our cities and country areas to provide those services.

One of my major concerns, more than anything else, is the number of suicides in rural areas. I am concerned that we are still not prepared to provide the necessary services in those areas.

**Mr Santoro:** The Government is addressing that issue.

**Mr CAMPBELL:** The Minister says that the Government is addressing the issue.

BASAS has been told that, with the same amount of money as it had to service the people of Bundaberg, it now has to cover the area out to Isisford. It is being given no extra money, and it has only a little Hyundai car, because that is all that it needed to get around the city. How does this Government expect women to drive 250 kilometres by themselves, with no overnight expenses, to service those country areas? That is what this Government is doing.

It is time to take these comments on board in this week of awareness of sexual assault problems. We as a community should be providing the necessary services to the children and women of our community.

### Tourism, Hinchinbrook Electorate

**Mr ROWELL** (Hinchinbrook) (10.45 p.m.): Tourism is an important source of income for the small towns in the Hinchinbrook electorate, which rely largely on sugar and small business. According to records from the two information centres in the electorate, visitor numbers have increased by over 20% in the last financial year. In the 1996-97 financial year, the Hinchinbrook Visitor Centre in Ingham recorded a 22% increase in the number of visitors, and the Cassowary Coast Visitor Centre in Innisfail recorded a 33% increase. This centre has now been relocated to Mourilyan on the Bruce Highway south of Innisfail.

The Department of Environment has an information centre in Cardwell, which is slowly being rebuilt since it was burnt out internally. It has been allocated $250,000 for refurbishing of the display items. All of the reconstruction work has been allocated to locals, and the rebuilding is being treated as a community project, which is expected to be finished by June 1998.

Environmental attractions bring most of the visitors into the electorate. In 1996, a total of 3,995 visitor nights by domestic and international tourists were recorded at Jourama Falls and Wallaman Falls, Australia's longest single-drop waterfall. The island national parks in the electorate, which include Hinchinbrook, Orpheus, Goold, Coombe, Wheeler and Dunk, had a total of 5,324 visitor nights, while at the mainland national parks in the Innisfail area 2,919 visitor nights were recorded.

The Port Hinchinbrook development, with its space for 1,800 beds, will act as a catalyst

to boost tourist activities in the electorate, mostly related to environmental experiences. It will take up to three years to have any significant impact on the area. Mission Beach and Paronella Park, in the northern part of the electorate, also provide environmental attractions which are internationally recognised.

Cultural tourism is becoming popular, and towns in my electorate, with their ethnic backgrounds, are in a perfect position to gain from this trend. Cultural attractions in the area include the Feast of Three Saints, which is held in Silkwood in May each year. This is an important Catholic celebration that draws people from all over the State and beyond. The Australian Italian Festival of Ingham, which is also held in May, has been running for only three years, but already it has a wide following in north Queensland. A new project to promote both these events is expected to draw large crowds to the electorate.

Most of the development in the electorate in coming years is expected to lean towards eco-tourism. The Tyto Wetlands Project is being developed close to the centre of the Ingham township. This will be a 190-hectare area enhanced by removal of weeds and the selective planting of endemic native wetland species to encourage local birds. The project is aimed at preserving an area of high ecological value, which contains an endangered species, such as the grass owl, and to provide an additional attraction to increase visitation to the area.

The Cattle Creek Wetlands is internationally recognised as an excellent bird-watching area. I am certain that, in the future, that area will grow in stature. Wallaman Falls is perhaps the most visited of all attractions in the area, and an $800,000 commitment has been provided to upgrade the access road in a staged program which will extend beyond 1999. The $800,000 includes $400,000 from local government and $400,000 from the Department of Main Roads. In its current condition, the road has to be closed when there is any significant rain in the area, and an upgrade will mean that the attraction will allow visitors access to the falls when they are at their best, that is, during the wetter months of the year.

It is necessary to provide infrastructure to allow tourists to visit many attractions throughout the electorate. There has been a great demand for visitations to the Wet Tropics in general. In the past, there has been an overemphasis——

Time expired.

## Crime and Policing, Lytton Electorate

**Mr LUCAS** (Lytton) (10.51 p.m.): In the brief time allotted to me this evening, I wish to voice the growing anger of my constituents towards a Government that has turned its back on community safety. Recently I reported to the House that I had been contacted by a number of residents who have witnessed or been subject to disturbing incidents at railway stations in my electorate. Many reported being hassled by louts who hang around the stations. One elderly war veteran was accosted and threatened by five youths. Another man was punched so hard by two youths that his doctor told him that he could have been blinded or killed. Many of those incidents have happened at Lota Railway Station, which until recently, I was told, was the only station in the bayside where video surveillance cameras were not installed or due for installation in the near future.

Honourable members can imagine my surprise when I was delivered the answer to a question on notice from the Minister and I discovered that Lindum Railway Station will not have its video surveillance equipment installed until the end of this financial year, June 1998. After raising my concerns with respect to the Lota station with the Transport Minister, I was told that security cameras were not due to be installed until 1999, but that that timetable may be brought forward if reported incidents warranted it. Thanks to the diligence of Lota residents, I was then able to document a series of such incidents at and around the station. In the face of such evidence, the Government finally relented and agreed to install security cameras at Lota station some time this financial year.

Last month I was told that those security cameras that are installed at local railway stations are not monitored by local police. To me that seems astonishing. I have sought an explanation from the Transport Minister as to why those station cameras could not be connected to the Wynnum Police Station through the use of a landline. Unfortunately, the Government's approach to events around railway stations in Lytton reflects a wider pattern of inactivity when it comes to community safety. Graffiti is a serious problem in the bayside. It is a scourge that is affecting more and more businesses and householders. It is antisocial, it is unsightly and it is expensive to remove.

Two months ago, the Red Cross mobile blood bank was covered in graffiti tags whilst it was parked overnight in the grounds of Wynnum Central State School. To date, the

perpetrators have not been caught. That mindless attack caused several thousand dollars worth of damage and led the Red Cross to seriously question whether it could afford to continue visiting the bayside. I am pleased to report that the Red Cross has decided to continue mobile services to the Wynnum area, but is presently looking for a suitable venue where it can secure its van overnight. It is a sad indictment when a community organisation performing such vital work can no longer leave a vehicle parked in a main street of the Wynnum CBD for fear of it being vandalised. If there was a silver lining to the Red Cross episode, it was in the community's willingness to discuss the problem of juvenile delinquency. In the days after the graffiti attack, I spoke with police and local business owners keen to find workable solutions.

Although the community seems ready to help where it can, the State Government is not prepared to play its part. Last month brought confirmation of what many already suspected: the bayside has one of the worst policing levels in the State. In response to a question on notice, the Police Minister revealed that the Wynnum Police District has Queensland's third worst ratio of police to population. There is one police officer for every 1,120 people, less than half the State average of 1 to 524. The local staffing problem is worsening. There are now 61 more bayside residents for each and every police officer to protect than at this time last year. The lack of local police means that police resources are often stretched to the limit. As I said at the time those figures were revealed, I do not blame the police for that situation; they are doing the best they can with available resources. This is an issue of planning and resources, and the buck stops with the Police Minister, Mr Cooper. Unfortunately, Mr Cooper is not the one who has to respond to calls for assistance.

In the wake of these and similar events—and in the face of callous disregard by the State Government—several hundred bayside residents have recently signed a petition. Headed "Stop Youth Crime", the petition calls for a halt to "the ever increasing occurrences of vandalism, wilful destruction, theft, assault and antisocial behaviour being carried out by juveniles and young adults in the bayside and Wynnum CBD areas." The sentiments behind that grassroots petition are understandable. It is the response of a community frustrated with a Government that talks tough on crime, yet consistently fails to put its money where its mouth is. It is the response of a community ready and willing to get involved, but looking for a Government to take the lead. As the petition states, "Enough is Enough".

I am not one of the school who believe the police are the only ones able to tackle crime. I agree with de Gaulle, who said, "War is too important to be left to the generals." I think discipline begins at home, and in the classroom. I believe that a responsible community does have the right to ask parents if they know what their children get up to at night. I also believe that a responsible community has the right to ask what its State Government is doing about crime. For bayside residents, the answer seems to be: precious little. Residents of my electorate are not asking for the world. They simply want the things any civilised community wants: decent schools, better health care and a safer community. I table their petition. I do not think those things are too much to ask for. It is not as though the money is not available.

Time expired.

## Constitutional Convention

**Mr LAMING** (Mooloolah) (10.56 p.m.): As the time for the Federal Constitutional Convention draws near, all politically responsible Australians will at least commence to examine the issues. We can see by the groups who are girding themselves for the ballot that the main focus at the moment seems to be on whether or not Australia will become a republic and, if so, how will the head of State be selected. What a great pity that that convention runs the risk of becoming a one-issue debate. If that were the case, it would represent but a very pale shadow convention of those Constitutional Conventions held over 100 years ago. If the new millennium, which coincides with 100 years of Federation, is indeed the significant milestone for Australia to reflect on how it is governed, then by all means let us examine the real shortcomings of our present system and honestly assess the merits of that which some would have us put in its place.

Although there will always be a place for a certain amount of emotion in such debates, it would be a tragedy if the whole discussion became simply an emotive one. For instance, many will say that there should be reference to a Bill of Rights, to environmental concerns and to Aboriginal or multicultural statements. Others will say, "If it ain't broke, don't fix it." I contend that if our revised national Constitution is to be a document to address the existing Constitution's possible

shortcomings and a blueprint to provide a framework for Australia's future efficient and democratic Government well into the next century, wisdom resides somewhere between those two positions.

The great debate that has been simmering for many years is taxation, which is inseparable from Commonwealth/State financial relations. Both issues are of fundamental and critical importance to this entire nation. While not suggesting that the tax debate be injected into the Constitutional Convention, I am saying most emphatically that the role of State Governments—which in turn rely on our Federal tax-sharing arrangements—should be very much a major item on the agenda of any such convention. In fact, the issue is of more importance to our constituents than the republic debate. It is not so much a matter of States' rights but States' responsibilities. Honourable members would be aware that, if a poll were taken tomorrow, the majority of Australians would say that we are overgoverned and that three levels of Government are too many.

Are such statements fair comment? Should we be concerned about it? I believe we should address that issue squarely or the national debate will proceed without us, not simply to the detriment of State Parliaments but to the disadvantage of those whom we represent. The main criticism that I have heard regarding the three-tiered system is that there is too much conflict, confusion and overlap, particularly between State and Federal Governments, and the fact that the States increasingly rely on Canberra to raise their revenues for them. The latter point is a part of the emerging tax debate, but let me devote what little time I have remaining to the former.

One only has to read section 51 of the Constitution to see what limited powers the Commonwealth was given at the time of Federation and then read the list of Federal ministerial responsibilities to see the extent of Federal incursion into areas of State responsibility. Let us look at a couple of examples. The Federal Minister for Transport is responsible for shipping and marine navigation; our hardworking State Minister is responsible for marine and ports. The Federal Minister is responsible for land transport, including road safety; our State Minister is similarly responsible for road transport and safety. In education, the Federal Minister is, inter alia, responsible for public and private schools and higher education facilities; while our very effective State Minister also looks after primary and secondary schools, non-State school funding, higher education and other related matters. Perhaps health is the best example of overlapping responsibility. The Federal Health Minister is responsible for health, mental health and hospitals. So is our equally very effective State Minister. Those are just three examples from among the large budget departments. One could go on with other examples of duplication of effort and responsibility, such as justice, local government, industrial relations, environment and ethnic affairs. It is not my intention to cast blame for the current situation, but it would be remiss of me not to suggest that over recent decades Federal Government spending power through the use of specific purpose payments to the States and the consequent ability to seek favour with the electorate has contributed substantially to the problem.

The challenge for Governments is to address this situation to decide which areas of responsibility are best accepted by which level of Government, then abolish the confusing and costly duplication. I happen to believe that there is a definite role for State Governments to play in the foreseeable future. Such tasks as health, education, law and order and transport in particular lend themselves to a State level of direction and responsibility. There may be some areas better handled at a Federal level. Those are the sorts of issues that should receive a good deal of healthy, constructive discussion at the convention. Finally, it does the Federal Parliament little credit to debate a private member's motion criticising State Governments.

## Train Safety

**Mr BRISKEY** (Cleveland) (11 p.m.): I wish to draw the attention of the House to the serious problem facing constituents in my electorate concerning the upsurge of gang attacks on school children. These attacks are taking place on trains and at railway stations on the Cleveland line. They could be prevented if only the Government addressed the problem seriously.

Despite calls by my colleague the honourable member for Lytton and me, so far the Minister for Transport has failed to take responsibility for the safety of these children. Since August, extra security guards have been placed on afternoon trains to travel with school children. Although I commend the Minister for their appointment, it is irresponsible to think that the problem can be solved so simply.

I wish to place on record my support for and appreciation of the staff members of

Queensland Rail. However, legislation and inadequate staffing levels impede their hard work and dedication to duty. The staffing level is so low that by 4 p.m., the time our children are arriving at stations, all but two of the stations on the Cleveland line are not staffed. How those children can be properly protected at unattended stations, I do not know—certainly not by security guards who remain on the train. Queensland's Police Rail Squad is not even 10% of the level of rail squads in New South Wales and Victoria. The security guard to station ratio is almost double in other States.

Those low levels of security officers are bad enough. However, the current legislation prevents what few officers we have on the line from adequately protecting our children. Officers are unable to detain or move on the gangs of thugs that commit those assaults. Worse still, the thugs know it, and therefore they have the upper hand. Surely the right to safety of the children travelling on our trains is more important than the right of criminals to remain on their turf to create havoc.

In the 1994-95 financial year, 80 passenger and 93 employee assaults were recorded. Police statistics reveal that one quarter of these assaults were of a serious nature. How many of those could have been prevented by having sufficient numbers of railway security staff? Cooperation between security guards and police is being fostered. However, the police are overstretched already with their own duties, particularly in the Redland Shire. As my colleague has stated already, the police to population ratio in the Wynnum Police District is a dismal 1 to 1,120 and, as has also been stated by my colleague, that is more than double the State average of 1 to 524.

**Mr Lucas:** What a damning indictment!

**Mr BRISKEY:** Absolutely. Of course, that police to population ratio is one of the lowest in Queensland.

Again, I ask the Government: under those circumstances how can the safety of children in my electorate and in other electorates be guaranteed? The inadequacy in staffing levels leads automatically to a need for improved surveillance facilities at stations and on trains. At present, security cameras are used by railway staff after an incident to aid police in apprehending culprits. If those cameras were placed in the guard cabin of trains, officers could monitor situations to prevent the assaults that are rife at the moment as well as saving department funds by preventing vandalism and graffiti. After all, an ounce of prevention is worth a pound of cure.

Recently, safety zone technology has been trialled at various stations, including Wynnum Central on the Cleveland line. That system provides passengers with a personal alarm device, which they depress to alert the control centre if they are in distress. Security guards can then be sent to the source of trouble with a message on the public address system to warn would-be offenders. Ideally, the Minister should ensure that staffing levels are sufficient for all stations to be attended in the afternoon so that the children travelling home are not at risk of assault. If the Minister finds that too much trouble, at least he could provide the adequate security technology—cameras and personal alarms—so that at least someone somewhere is able to keep an eye on our children's safety, which would be a vast improvement on the situation at the moment.

## National Standard Sport Facilities Program

**Mr MITCHELL** (Charters Towers) (11.05 p.m.): I rise to inform the House that over the past month the Honourable Mick Veivers, the Minister for Emergency Services and Minister for Sport, has announced funding of $14.5m for the development of sporting facilities throughout Queensland. The many millions of dollars in funding has been provided by this Government under the National Standard Sport Facilities Program.

This program is designed to guide and assist Queensland organisations to plan, develop, build and improve sport, recreation and youth facilities in Queensland communities to regional, national or international standard. With the Sydney 2000 Olympic Games just around the corner, in conjunction with the National Standard Sport Facilities Program, we have introduced the Olympic 2000 training venues initiative. The Olympic 2000 training venues initiative provides for the upgrading and development of training venues suitable for hosting international teams in the lead-up to the Sydney 2000 Olympic and Para-Olympic Games.

To attract visiting international teams to Queensland for pre-Olympic training, there is no doubt that adequate facilities must be provided. The Minister has announced that, in the lead-up to the games, the British team will train on the Gold Coast, the American swim team will train in Brisbane and the Norwegian team will train in Toowoomba.

I am also pleased to advise all members that sport in Queensland has been the big winner as part of this Government's strategic management of the National Standard Sport Facilities Program. Under that program, a total of 25 projects received subsidy. The $14.5m in funding is firm evidence of the Government's commitment to developing quality facilities in Queensland and to attracting international teams to the State for pre-Olympic training. In fact, as part of the Olympic 2000 training venues initiative, an extra $5m for the development of pre-Olympic training facilities has been provided. With teams already committed to training here in Queensland, we are keen to ensure that the State has the facilities to cater for the demand.

Major projects granted approval already include aquatic centres at Bribie Island, Southport, Noosa and Moura; regional track and field centres at the Sunshine Coast University and Nudgee; and extensions to basketball facilities in Brisbane, Cairns and Ipswich. The standard of facilities will be second to none. For example, the new 25-metre heated pool at Bribie Island will provide much-needed recreational options for local residents, particularly young people and older retired people. I am sure that the member for Caboolture—he is usually present in the House at around about this hour saying something—would be very pleased about that pool at Bribie Island.

The $464,000 plus provided to the Ipswich Basketball Association will provide the 1,034 registered players who live in the Ipswich area with an additional two courts, child-minding facilities, a canteen, change rooms and toilets. I believe that is also a great thing for Ipswich. None of the members who represent electorates in the Ipswich area are present in the House either. I hope that they read this speech tomorrow and realise that their electorates have received all this funding. It is really good news for them. This increased funding has been given to Labor electorates. I must have a yarn to the Minister about that.

The $100,000 provided to the Roma Clay Target Club will enable the club to construct a 13-layout clay target range and facility. I understand that the Norwegian team has already expressed interest in using the Roma Clay Target Club for its pre-Olympic training. The Gladstone Rifle Club—and the member for Gladstone is not present in the House either—has also had funding of $277,605 approved for a target sports complex at Raglan.

In addition, the Government has approved a further $1m in grants to Queensland Cricket for the redevelopment of Neuman Oval and to Queensland Motorsport for the construction of a three-kilometre international racing circuit at Willowbank. I suppose that is located in a Labor electorate as well. Labor members are doing really well. I must have a yarn to the Minister about that. That new world-class track planned for Willowbank will put Queensland back in line to host national motor racing meetings that may otherwise have been lost to the State.

Under this Government, with the rapid development of the State's sporting infrastructure, Queensland is back on track. I thank the Minister and say to the House that the Minister is the only Australian parliamentarian who has been invited back to America to talk to other sporting teams that want to come out to Australia to train. That is a great coup for the Honourable Minister, Mick Veivers. I am sure that he will do a wonderful job for us.

## Koala Conservation, Pine Rivers

**Mrs LAVARCH** (Kurwongbah) (11.11 p.m.): There can be no denying that this Government crept to power on the koala preservation bandwagon. The Government recently announced a $1.3m package for koala research and preservation in the Redlands/Logan region. However, I would like to draw to the attention of the House the urgent need to protect and preserve the koalas in Pine Rivers.

There is a growing anger within my electorate over the Government's intention to sell for private development land that is presently owned by the Department of Education. Their anger is aimed at the Government because this six hectare parcel of land is an important koala habitat and provides a vital link in the chain that is the koala corridor. The level of concern within my electorate is indicated by the sheer number of people who signed the petition that was presented to the House this morning.

The Government needs to make an administrative decision to preserve the land as a conservation park for both the koala and human populations of the area. I do not accept the argument that this land must be sold. The Government owns the land, and the Government can choose whether to keep it or sell it.

Recently, we had the example of 66 hectares of land in neighbouring Albany Creek

that was preserved as bushland rather than have public housing built upon it. If the Government does not want to keep the land, it should be offered at no cost to the Pine Rivers Shire Council, so that it may preserve it. The relative costs of such a decision compared to the money spent for koala preservation on the south side should make that decision a relatively easy one.

The Minister for Education has indicated that he does not intend to build a school on the site. He then offered the land to the Department of Environment, after my intervention. The Department of Environment and, in particular, the Minister for Environment have indicated that it is unlikely that his department would wish to retain the site. He claims that it is of local significance only. However, he does acknowledge that the site is integral——

Time expired.

Motion agreed to.

The House adjourned at 11.13 p.m.