

TUESDAY, 10 NOVEMBER 1998

Mr SPEAKER (Hon. R. K. Hollis, Redcliffe)
read prayers and took the chair at 9.30 a.m.

ASSENT TO BILLS

Mr SPEAKER: Order! Honourable members, I have to report that on Tuesday, 27 October 1998 I presented to His Excellency the Governor the Appropriation (Parliament) Bill 1998 and the Appropriation Bill 1998 for royal assent and His Excellency was pleased in my presence to subscribe his assent thereto in the name and on behalf of Her Majesty.

I have received from His Excellency the Governor a letter in respect to assent to certain Bills, the contents of which will be incorporated in the records of Parliament.

GOVERNMENT HOUSE
QUEENSLAND

27 October 1998

The Honourable R. K. Hollis, MLA
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on 27 October 1998:

"A Bill for an Act to amend the Consumer Credit (Queensland) Act 1994 to make changes to the Consumer Credit Code

A Bill for an Act to appropriate certain amounts for services in the financial years starting 1 July 1997, 1 July 1998 and 1 July 1999

A Bill for an Act to appropriate certain amounts from the consolidated fund for services of the Parliament in the financial years starting 1 July 1997, 1 July 1998 and 1 July 1999."

The Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

(Sgd) Peter Arnison
Governor

ELECTORAL DISTRICT OF MULGRAVE**Resignation of Member**

Mr SPEAKER: I have to report that I have received the following letter from Mr Charles Robert Rappolt, member for the electoral district of Mulgrave—

"Hon Ray Hollis
Speaker

...

Dear Sir,

I regret to advise that I tender my resignation as the Member for Mulgrave in the 49th Queensland Parliament, effective immediately.

I have already notified the Premier and the State Leader of Pauline Hanson's One Nation.

Yours faithfully,
Charles Rappolt."

INFORMATION COMMISSIONER**Annual Report**

Mr SPEAKER: Order! I have to report today that I have received the annual report of the Queensland Information Commissioner for 1997-98. I will table the said report.

PETITION

The Clerk announced the receipt of the following petition—

Indooroopilly Shoppingtown, Licensed Restaurant

From **Mr Beanland** (130 petitioners) requesting the House that the development application by Pullenvale Estates Pty Ltd for a licensed restaurant with 45 poker machines, a bottle shop, entertainment stage, Keno and PubTAB at Indooroopilly Shoppingtown fronting Station Road, Indooroopilly be not granted.

Petition received.

PAPERS**PAPERS TABLED DURING THE RECESS**

The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

23 October 1998

Additional information provided to Estimates Committee E by the Minister for Health (Mrs Edmond) on 22 October 1998

30 October 1998—

Queensland Audit Office—Annual Report 1997-98

Roads Implementation Program 1998-99 to 2002-03

Aboriginal Co-ordinating Council—Annual Report 1997-98

Island Co-ordinating Council—Annual Report 1997-98

Brisbane Market Authority—Annual Report 1997-98

Department of Primary Industries—Annual Report 1997-98

Queensland Dairy Authority—Annual Report 1997-98

Queensland Egg Industry Management Authority—Annual Report 1997-98

Queensland Parliamentary Service—Annual Report 1997-98

Select Committee on Parliamentary Entitlements—A Report on Parliamentary Entitlements, Report No. 1

3 November 1998—

The Council of the Queensland Institute of Medical Research—Annual Report 1997-98

Queensland Institute of Medical Research Trust—Annual Report 1997-98

Bureau of Sugar Experiment Stations—Annual Report 1997-98

Queensland Sugar Corporation—Annual Report 1997-98

Queensland Commercial Fishermen's State Council/Organisation—Annual Report 1997-98 and 1999-2003 Strategic Plan

Stanwell Corporation Limited—Annual Report 1997-98

Stanwell Corporation Limited—Statement of Corporate Intent 1997-98

5 November 1998—

South West Queensland Electricity Corporation Limited (trading as South West Power)—Annual Report 1997-98

South West Queensland Electricity Corporation Limited (trading as South West Power)—Statement of Corporate Intent 1997-98

Mackay Electricity Corporation Limited (trading as MEB)—Annual Report 1997-98

Mackay Electricity Corporation Limited (trading as MEB)—Statement of Corporate Intent 1997-98

Queensland Harness Racing Board—Annual Report 1997-98

Trustees of the Albion Park Paceway—Annual Report 1997-98

Queensland Tourist and Travel Corporation—Annual Report 1997-98

Queensland Fruit and Vegetable Growers—Annual Report 1997-98

6 November 1998—

Department of Tourism, Small Business and Industry—Annual Report 1997-98

Queensland Principal Club—Annual Report 1997-98

Totalisator Administration Board of Queensland—Annual Report 1997-98

9 November 1998—

Residential Tenancies Authority—Annual Report 1997-98

Queensland Coal Board—47th Annual and Final Report (including Financial Statements) 1 July to 31 December 1997

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by The Clerk—

Chiropractors and Osteopaths Act 1979—

Chiropractors and Osteopaths Amendment By-law (No. 1) 1998, No. 290

City of Brisbane Act 1924—

City of Brisbane Amendment Regulation (No. 2) 1998, No. 283

Consumer Credit (Queensland) Act 1994—

Consumer Credit (Queensland) Amendment Regulation (No. 2) 1998, No. 291

Consumer Credit (Queensland) Amendment Act 1998—

Proclamation—section 3 of the Act commences 1 November 1998, No. 294

Equal Opportunity in Public Employment Act 1992—

Equal Opportunity in Public Employment Regulation 1998, No. 282

Fisheries Act 1994—

Fisheries Amendment Regulation (No. 4) 1998, No. 295

Justices Act 1886, Transport Operations (Road Use Management) Act 1995—

Transport Operations (Road Use Management—Fatigue Management) Regulation 1998, No. 293

Marine Parks Act 1982—

Marine Parks (Moreton Bay) Amendment Zoning Plan (No. 2) 1998, No. 286

Nature Conservation Act 1992—

Nature Conservation (Protected Areas) Amendment Regulation (No. 9) 1998, No. 287

Primary Producers' Organisation and Marketing Act 1926—

Primary Producers' Organisation and Marketing (Commercial Fishers General Levy) Notice 1998, No. 292

Residential Tenancies Act 1994—

Residential Tenancies Amendment Regulation (No. 1) 1998, No. 285

Superannuation (State Public Sector) Act 1990—

Superannuation (State Public Sector) Amendment Notice (No. 2) 1998, No. 289

Superannuation (State Public Sector) Amendment Regulation (No. 2) 1998, No. 284

Tobacco Industry (Restructuring) Act 1996—

Tobacco Industry (Restructuring) Regulation 1998, No. 288

University of Queensland Act 1998—

University of Queensland (Statutes Repeal) Statute 1998

MINISTERIAL RESPONSE TO A PETITION

The following response to a petition, received during the recess, was tabled by The Clerk—

response from the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) to a petition presented by Mr Fenlon from 267 petitioners, regarding the conduct of a review of valuations within the Coorparoo valuation district.

Land Valuations, Coorparoo

25 October 1998

I refer to your letter of 28 August 1998 concerning a petition received by the Queensland Legislative Assembly from Mr Gary Fenlon MLA, Member for Greenslopes on behalf of petitioners requesting the Minister for Natural Resources to conduct an immediate review of valuations within the Coorparoo valuation district and adjust them to a reasonable level.

The Government undertook to conduct a general review of these valuations on 10 July 1998.

My Department of Natural Resources undertakes valuations for rating and other purposes under the provisions of the Valuation of Land Act 1944. The legislation gives land owners access to grievance mechanisms to address any concerns with new valuations of their properties. These mechanisms include a departmental objection process. Nearly 900 objections were lodged against the Coorparoo division valuations.

I appointed an independent chairperson, Mr Randall Warren, to assist with objection conferences. Following decisions on these objections by my Department's delegate and consideration of Mr Warren's report, I am aware that there are some anomalies and inconsistencies with the valuations in Coorparoo and the surrounding divisions. My Department has decided to reduce those valuations objected against by about 10 percent.

I have instructed my Department's Director-General to undertake a full review of Coorparoo valuation relativities based on current market evidence during the valuations to be undertaken this year. These valuations will be issued in early 1999 and will reflect the property market as at 1 October 1998.

I trust my Department's decision on the Coorparoo valuation objections and the forthcoming review of valuations in and around the Coorparoo division will resolve the petitioners' concerns.

MINISTERIAL PAPERS

The following papers were tabled—

- (a) Premier (Mr Beattie)—
Criminal Justice Commission—Annual Report for 1997-98
- (b) Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities (Mr Mackenroth)—
Copy of reference, dated 22 October 1998, to Electoral Commissioner of Queensland to review the area of the City of Brisbane for the purpose of re-dividing the area into 26 single member divisions
Local Government Grants Commission, Queensland—1998 Report on Financial Assistance for Local Government
- (c) Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford)—
Annual Reports for 1997-98—

Administration of the Environmental Protection Act 1994

Administration of the Nature Conservation Act 1992

Wet Tropics Management Authority

- (A) A Proposal by the Governor in Council to revoke the setting apart and declaration as State forest under the Forestry Act 1959 of:-
 - (a) All that part of State forest 679 described as Lot 5 on plan CP899744 and containing an area of 35.85 hectares,
 - (b) All those parts of State forest 117 described as Lot 26 on plan CP855492, Area A and Area B and shown hachured on plan FTY 1772 prepared under the authority of the Primary Industries Corporation and containing in total an area of about 28.382 hectares,
 - (c) All that part of State forest 1239 described as Area A and shown hachured on plan FTY 1771 prepared under the authority of the Primary Industries Corporation and containing an area of about 3.9 hectares,

- (d) All those parts of State forest 431 described as Areas A, B and C and shown hachured on plan FTY 1753 prepared under the authority of the Primary Industries Corporation and containing in total an area of 43.994 hectares,
 - (e) All those parts of State forest 915 described as Lot 10 on plan MCH4946 and Area A and shown hachured on plan FTY 1775 prepared under the authority of the Primary Industries Corporation and containing in total an area of 27.764 hectares,
 - (f) The whole of State forest 1255 containing an area of about 4.25 hectares; and
- (B) A brief explanation of the Proposal.

MINISTERIAL STATEMENT

Goods and Services Tax

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.37 a.m.), by leave: This week's Special Premiers Conference at which the Commonwealth tax cake will be shared is an historic occasion. It is not the act of splitting the tax cake that is historic, rather it is the recipe for that cake which is new. Instead of sharing in the traditional income tax pool, States and Territories will be sharing in a pool of money raised through the Howard Government's insidious goods and services tax.

Let no-one be under any illusion. I believe that the goods and services tax is an abomination—a hideous nightmare of a tax that was dreamed up by economic rationalists. I opposed the Federal coalition's GST plan during the recent Federal election, and my presence at the Special Premiers Conference should not be seen as an endorsement for its introduction.

Having stated my views on the GST, let me also inform this House that my presence at the conference, along with Treasurer David Hamill, should not be seen as an endorsement of the proposed sharing arrangements either. As I said, the tax cake recipe has been changed. However, the larger States also want to change the way in which that cake is shared.

This great country was built on the foundation of mateship, of giving the less well off a hand up. It was also built upon the principle of making sure that everyone had access to a reasonable standard of essential

services, like health and education. Horizontal fiscal equalisation is the technical or economic term. I call it giving everyone, no matter where they live in Australia, a fair go. The continuation of a GST and the greed of the larger States may change that.

During the past week or so, the larger States have engaged in what can only be described as intellectual dishonesty. My Labor colleagues in New South Wales have spent something like \$1m on advertisements saying that most of the GST will be raised in New South Wales so they should get most of the GST cake. In Victoria, the friend of the worker, Premier Jeff Kennett, advised me to keep quiet because the big boys know what is best for the country. I have news for Mr Kennett: I do not want the big boys in Collins Street deciding the quality of life for the people of Charleville.

Let us look at the facts. The reality is that the larger States are trying to blame Queensland—and the Federal Government—for their wasteful spending. Queensland Treasury figures show that if New South Wales spent at the same level of efficiency as Queensland it could slash its total taxation by more than \$1,500 per person. The story is much the same for Victoria. Quite simply, neither New South Wales nor Victoria is anywhere near as efficient as Queensland when it comes to providing services. They are just profligate spenders.

Treasury research confirms that Queensland is not a begging bowl State, as has been alleged. Our budgeted Federal payments this financial year total \$5.9 billion, which is just \$35m greater than our per capita share. Put another way, that is about \$10 extra for every Queenslander—a pittance when we consider the challenges of providing infrastructure in such a vast, growing State with a widely spread population.

The New South Wales/Victoria argument is fine if the vast majority of the population lives in the capital city where services are easier to provide. However, the reality is that 72% of Victorians live in Melbourne—and they have our sympathy—and 63% of the people of New South Wales live in Sydney. Queensland is the only mainland State in which most people live outside the capital city, with only 46% of Queenslanders living in Brisbane.

My Government is doing all it can to improve life for people in rural and regional Queensland. If Bob Carr and Jeff Kennett had their way, all of the people of Australia would be living in Sydney or Melbourne. That is too high a price to pay. If New South Wales and

Victoria have their way, Queenslanders will be worse off.

During the past week or so, I have stepped up my efforts to ensure that Queenslanders do not have to pay the price for the greed of Victoria and New South Wales. So far, the Queensland Nationals and Liberals have been silent—mute apologists for the Federal coalition's GST—and, even worse, lame duck acceptors of the Victorian and New South Wales arguments to cut Queensland's share of Commonwealth funds. These people opposite stand condemned for their silent complicity. We will fight for Queensland.

MINISTERIAL STATEMENT

Queensland Economy; Expo 2002

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.42 a.m.), by leave: Two recent surveys, by the Australian Industry Group and Morgan and Banks, have revealed a high level of confidence by business and industry in Queensland's future. The surveys show that, despite the Asian economic downturn, Queensland is moving ahead. My Government has played its part in this process by demonstrating strong leadership and by governing as if we have a majority of 10. With our massive \$4.8 billion Capital Works Program and innovative jobs creation strategies, we are creating the right climate for business to prosper, notwithstanding the impact of the Asian economic crisis.

There have been a number of major success stories recently. ATCO Structures Pty Ltd, with its headquarters in Alberta, Canada, has invested \$20m in establishing its Asia-Pacific headquarters in Brisbane and another centre in Townsville. ATCO chose Queensland for its headquarters because we have a very stable economy and the company believes we have an exciting future, not to mention a can-do Government. Decisions like this send a very positive message to the international business world that Queensland is a can-do State which has all the attributes necessary for the site of an Asia-Pacific headquarters and to development partnerships for investing into Asia.

Last week I opened Queensland's first new sugar mill in more than 70 years. I congratulate farmers and Bundaberg Sugar for creating a new multimillion-dollar industry on the Atherton Tableland, with up to 500 direct and indirect jobs in the region. We are continuing to support this new industry by allocating \$7.8m to the Atherton Sugar Project this year through the Department of Transport

for infrastructure. And the Department of Natural Resources has allocated \$4.5m this year for improvements to the Mareeba-Dimbulah Irrigation Area. As the new century dawns, experts forecast that that local community will earn about \$30m a year through export income.

Yesterday, along with the Minister for Mines and Energy, I announced that the State Government had given the green light for a \$639m nickel and cobalt mining, processing and refining project to proceed in central Queensland. The project, to be developed near Rockhampton by Lagoon Hill Nickel, a subsidiary of Preston Resources, will generate 1,000 jobs during construction and 210 permanent jobs when operational. Later today the Deputy Premier and I will sign an agreement with Telstra forming a partnership to provide a one-stop shop to persuade national and international companies to move or establish their call centres in Queensland. There is plenty to be confident about in this State.

In addition, when it comes to major activities, projects and opportunities, such as Expo 2002, this Government will do everything it can to facilitate those. I advise the House that the Philippines has yet to formally withdraw from the staging of Expo 2002. However, the Philippines' position has opened the way for Queensland to be reconsidered as the site to stage Expo 2002, although that consideration cannot effectively take place until the Philippines has withdrawn.

The Commonwealth Government, at the request of the Queensland Government, has therefore advised the Bureau of International Exposition—BIE—Secretary General of Australia's interest in pursuing Expo 2002 should the Philippines withdraw. If the Philippines withdraws by December 1998, the matter will probably be determined at a special general assembly of the BIE either in late January or early February 1999. A two-thirds majority of delegates is required to secure agreement to host Expo 2002. The task to secure agreement from a two-thirds majority of BIE delegates will not be easy, and detrimental comments by those opposite attacking our bid to stage this event will only detract from our efforts and our likely success.

With this in mind, my Government has developed a comprehensive lobbying strategy which will be implemented immediately upon the Philippines' notification to the BIE of its withdrawal. The indecision of the Philippines makes it extremely difficult for Australia to pursue its interest in staging the event. The

longer the Philippines takes to withdraw, the more difficult it becomes for Queensland to undertake the work necessary to stage the event. My Government will vigorously pursue the right to stage this prestigious event in Queensland in 2002. At the meeting of the general assembly of the BIE in November we will have a representative who will be privately pursuing Queensland's interests at every opportunity.

In conclusion, I am disappointed by political comments made by both the Leader of the Opposition and the Leader of the Liberal Party over the past few days that have served only to undermine our bid. I would have thought there would have been bipartisan support for this bid similar to that which we gave in Opposition. I am disappointed that the Opposition is seeking to undermine our bid. Let the people of the Gold Coast know, and let the record show, that the Leader of the Opposition and the Leader of the Liberal Party sought to destroy our bid to stage Expo 2002 at Coomera.

MINISTERIAL STATEMENT

Call Centres

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.48 a.m.), by leave: Members of the House would be aware of this Government's efforts to try to attract call centres to Queensland, especially call centres servicing the Asia-Pacific region. Such centres lock us into a worldwide network and, more importantly, provide long-term sustainable jobs.

On the Gold Coast, I understand that Stellar is now hiring people to staff its call centre at Robina, which will service the Asia-Pacific region, while in Brisbane Citibank is now running a call centre that services its clients in the Asia-Pacific region. We have targeted call centres quite clearly and deliberately. At this stage, we are also negotiating with other companies about further operations to follow. The success of these first two call centres that have been attracted under this Government will be the impetus for that.

Later today, in company with the Premier, I will be signing a memorandum of understanding with Telstra which will give us a combined marketing effort to try to attract call centres to Queensland. Such a move, frankly, is long overdue. Most other State Governments have already moved to form a liaison with a strategic carrier, and having that strategic link in place has helped them to

attract call centres. For example, the New South Wales Government has an agreement with Optus which has helped it to attract call centres. This Government realised early on the advantages of having such a strategic partnership, and we have pursued that vigorously. The shame is that we are having to play catch-up with the other States that have already formed those strategic partnerships.

Under this memorandum of understanding, Telstra will be jointly funding marketing and promotional activities with the Queensland Government. Telstra has recently located a senior manager in Queensland with the objective of attracting more call centres to Queensland. Under the MOU, Queensland's network of trade offices overseas will be utilised, as will Telstra staff overseas. The MOU also sets out conditions for cooperation between the two parties. Unlike another MOU that has been discussed at some length in this place, this one is fully public. In fact, we want the Queensland public to know about our MOUs.

One reason why we are pursuing call centres so vigorously is that they offer great advantages for regional Queensland. Already, Stellar Communications has chosen Robina on the Gold Coast as the home for its call centre. But we are working closely with Telstra to target regional Queensland. One of the great advantages for individual companies in seeking regional areas to locate a call centre is that the work force is fairly stable. In large cities such as Sydney and Melbourne, call centre operators note that there is a high degree of turnover in staff. One element of our strategy is to impress upon companies that in regional Queensland we have a strong, stable, reliable work force.

Several members of this House have contacted me in regard to making this strategy work, and I thank them for their interest and determination to help create jobs for their constituents. What we are about is jobs and more jobs, and the memorandum of understanding, which will be signed today, will help achieve that, particularly in regional Queensland.

MINISTERIAL STATEMENT

Australian Film Industry Awards

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.51 a.m.), by leave: I wish to bring to the attention of this House the magnificent achievements of Queensland's film and television industry at the 1998

Australian Film Industry Awards last Saturday night. In particular, I wish to congratulate Queensland actor Deborah Mailman, who won the Australian film industry's best actress accolade.

Mr McGrady: Where is she from?

Mr FOLEY: I note the interjection of the Minister for Mines and Energy. She is, in fact, from Mount Isa and is shooting her next film in Yeronga, which is to her great credit.

In winning her award, this talented Queenslander has also made history as the first indigenous actor to achieve such recognition within a highly competitive industry. The film which brought Deborah Mailman such professional success, appropriately named *Radiance*, brings to the attention of Australian and overseas film-makers and audiences not just a great home-grown talent, but a great home-grown location. *Radiance* was filmed entirely in Queensland at Agnes Water and Hervey Bay. So with this film, Queensland wins not once but twice, as the world becomes aware not only of our acting talent, but our unique landscape.

It is gratifying that Ms Mailman's next film appearance will be even closer to home. In January, she will appear in the Brisbane-made film *Bored Olives*. This \$1m film will be made on location in Brisbane, around West End and within the garden suburbs of the electorate of Yeronga.

Mr Connor: How much did you have to pay?

Mr FOLEY: I note the interjection of the member for Nerang. He is quite correct; Yeronga is rapidly becoming recognised as the centre of the cultural universe, and I thank him for his interjection.

Again, this film will showcase Queensland talent. Both its producer Bruce Redman and scriptwriter Stephen Davis are Brisbane residents. Queensland won again at the AFI awards with the success of film-maker Kriv Stenders, a former Annerley resident, who won the award for best short fiction film with *Two/Out*. Cairns writer Evan Clarry took yet another award for Queensland, with best screenplay in a short fiction film for his script for *Mates*.

Queensland's outstanding performance at this year's Australian Film Industry Awards fulfils the glowing predictions of the Australian Film Commission, which earlier this year, based on our booming production activity, opened an office in Brisbane. Since 1991, \$520m has been spent on film and television production in Queensland, and this is spread

around the State. Recent production locations include the Gold Coast with *Komodo* at \$1.4m, St George with *Paperback Hero* at \$4.3m, Roma with *Mr Pumpkin's Big Night Out* at \$800,000 and Mission Beach, which is the site of a four-hour mini TV series *Tribe*, which will spend \$3m in Queensland, generating an economic impact of \$8.6m and creating 84 jobs.

This return mirrors the value of the State Government's \$23.4m annual investment in the film and television industry, through its Pacific Film and Television Corporation. This \$23.4m budget will generate a return of \$120m in production revenue to the State over each of the next three years. This means a massive flow-on in revenue, jobs and allied investment in the State, including several hundred new businesses set up as a direct result of film and TV production.

We must applaud Queenslanders like Deborah Mailman and all her dedicated colleagues in this important industry for their contribution to Queensland's continuing national and international success and for the resultant boost to jobs in Queensland's film industry.

MINISTERIAL STATEMENT

Nerang-Broadbeach Road

Hon. S. D. BREDHAUER (Cook—ALP)
(Minister for Transport and Minister for Main Roads) (9.55 a.m.), by leave: I rise on this occasion to take issue with the member for Nerang for his abuse of parliamentary privilege by making scurrilous attacks in recent parliamentary sittings on a Main Roads public servant. Let me place on the Hansard record that I am appalled at the tone that the member for Nerang has adopted in his dealings with public servants in my department who are endeavouring to do their jobs.

The attack by the member for Nerang on the Main Roads district director over speed limits on the Nerang-Broadbeach Road is ill-founded. Decisions on speed limits are not made in isolation but on the basis of a recommendation of the Traffic Advisory Committee comprising representatives from the Gold Coast City Council, Queensland police, Queensland Transport, the RACQ and Main Roads. Speed limits are assessed against Queensland Transport's Guide to the Application of Speed Controls in terms of the road function, prevailing vehicle speeds and other factors, including accident history.

Road improvements totalling some \$4.7m have been undertaken on the Nerang-

Broadbeach Road between Alabaster Drive and Hoy Street over the past 10 years, and the accident history has improved to an extent that the Traffic Advisory Committee found that 70 km/h was the appropriate regulatory speed on this section. I was particularly outraged by the claim of the member for Nerang that this decision would prompt "renewed slaughter on the Nerang-Broadbeach Road". For the record, I point out that the road toll on the Nerang-Broadbeach Road has fallen dramatically over the past five years. The attempts by the member for Nerang to attribute any road accident to the work of my department is irresponsible.

Let me now turn to the second issue raised by the member for Nerang, the preferred alignment for the section of the Nerang-Broadbeach Road between Ross Street and Nielsens Road. Two options have been considered for this upgrading: namely, to upgrade the existing Nerang-Broadbeach Road alignment or to construct a new deviation commonly referred to as the Nielsens Road deviation. Main Roads has embarked on a detailed planning study on both possible alignments involving extensive community consultation.

On 11 November last year, the Main Roads district director met with the member for Nerang. At that meeting, the member for Nerang requested that Main Roads not consult further with the community but, instead, proceed with the Nielsens Road deviation because he had told the residents adjacent to the existing road that the Nielsens Road deviation would be the one followed. On 19 December 1997, my predecessor the member for Gregory noted advice from his department of the problems that the Department of Main Roads was having because of the meddling of the member for Nerang in the consultation process for this planning study. For the information of members, I table a copy of that advice and a letter to the member for Nerang from the former Minister which outlines that consultation with the community should continue.

In 1992 the Nielsens Road deviation was considered the preferred route. A number of factors have contributed to a need to reassess the appropriate alignment for upgrading the Nerang-Broadbeach Road. These include—

the findings of the Carrara/Merrimac flood plain study;

the outcome of a court case between the developer and the Gold Coast City Council;

the Gold Coast City Council's reaffirmation that it supports upgrading the existing road; and

indicative costs for the Nielsens Road deviation at \$30m whilst upgrading the existing alignment would cost only \$10m.

The Main Roads district director at Nerang has explained to the member for Nerang and representatives of local residents groups that, if duplication does follow the existing alignment, the traffic will be further away from residences; quiet road surfacing would be used and, if warranted, landscaped noise mounds and barriers would be built between the upgraded road and the houses. The member for Nerang refuses to understand—

that Main Roads is required to adhere to the public consultation standards and guidelines approved by the previous Government;

that the views of all members of the community and of local government must be considered; and

that departmental officers have a legislative obligation to deliver road projects which represent best value in terms of cost and community needs.

For the record, the consultation phase on the Nerang-Broadbeach Road alignment between Ross Street and Nielsens Road has now concluded and I am currently considering the department's recommendation as to the preferred alignment. Before I make that decision, I propose to meet with representatives of key community groups in Nerang and, clearly, I will take their views into account.

What I will not cop is a continuation of the personal attacks on public servants in my department by the likes of the member for Nerang. Parliamentary privilege is an important part of our democratic institutions, but to use it to attack a public servant, who has no right of reply, is not only clearly inappropriate but also a cowardly act.

Mr CONNOR: Mr Speaker, I rise to a point of order. The Minister is misleading the Parliament. First of all, a public servant—

Mr SPEAKER: Order! This is not a debate. What is your point of order?

Mr CONNOR: That anyone has the right of reply if they have been—

Mr SPEAKER: Order! There is no point of order. The Honourable the Minister?

Mr CONNOR: I did not mislead the Parliament. The public servant in question had misled the public—

Mr SPEAKER: Order! You are debating the issue.

Mr CONNOR:—and had lied to the public.

Mr SPEAKER: Order! You are debating the issue. Resume your seat.

Mr BREDHAUER: The member for Nerang continues with cowardly attacks on public servants under privilege. This is all about the incompetence of the member for Nerang in promising some of his constituents a particular outcome and then seeking to bully public servants into delivering that outcome.

Mr CONNOR: Mr Speaker, I find the remarks of the Minister untrue and offensive. I did not promise Nielsens Road. The previous Minister, Labor Minister Hamill—

Mr SPEAKER: Order! Are you asking for a withdrawal?

Mr CONNOR: I ask for it to be withdrawn. I find it offensive and untrue.

Mr SPEAKER: Order! The Minister will withdraw the words that the member finds offensive.

Mr BREDHAUER: I withdraw. This is all about the incompetence of the member for Nerang in promising some of his constituents a particular outcome, then seeking to bully public servants into delivering that outcome.

Mr CONNOR: Mr Speaker, I rise to a point of order. That is the same as what the Minister said before. I find it offensive and I have asked for it to be withdrawn. The previous Labor Minister, David Hamill, made the promise—not me.

Mr SPEAKER: Order! You have asked for it to be withdrawn. Minister?

Mr BREDHAUER: I withdraw, Mr Speaker. I am sorry; I forgot where I was up to. I was not sure which bit the member found offensive. I can guarantee the people of Nerang a fair and logical outcome—something that the member for Nerang has no interest in delivering.

MINISTERIAL STATEMENT

Literacy and Numeracy in Schools

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (10.03 a.m.), by leave: Twice this year I have tabled reports prepared by the School Curriculum Council on literacy and numeracy in Queensland. These reports identified dramatic differences between the performance of boys and girls in respect of literacy and numeracy.

Honourable members may recall that I said I would return to the House with a

Government response to this critical situation. I now table a report: Future Directions for School Based Management in Queensland State Schools. This report includes details of a \$28m initiative aimed primarily at improving literacy among our young Queenslanders. We can now provide much more help for young Queenslanders who struggle with reading and writing. Most of this \$28m will be used to generate thousands of teacher aide hours across Queensland, specifically to target literacy improvement. Teacher aides provide valuable one-to-one assistance with children in that vital stage when they are learning to read.

Importantly, this initiative goes further and provides funds in other areas which have been identified by school communities as pressure points. As a result, there are funds for deputy primary principals, who will have a role in curriculum leadership, and there are also funds set aside for schools needing extra grounds care and administrative officer support. In total, the new funding arrangements will support the employment of 675 full-time equivalent positions.

Further, the report details new funding arrangements for every school in Queensland. Unlike the old elitist Leading Schools program, which led schools up the garden path, these new arrangements are both fair and equitable and do not favour one school over another. I would urge members to look closely at the new funding arrangements so they can see that Leading Schools is dead. These grants do not rely on schools tying themselves to a particular method of school-based management. Now, schools across Queensland will get a grant based on their enrolments, and subject to change as a result of those enrolments. Grants will also recognise any special needs a school has.

Finally, also included in this report are details of three options of school-based management which are being proposed by Education Queensland. This is the result of consultations with parents and teachers. Fifteen groups of stakeholders were involved in the process, with 1,140 people participating in focus groups and over 8,000 different members of school communities responding to a survey. I say quite clearly that the Government will not force any school to accept any style of school-based management that they do not want. At this stage, these three options are departmental recommendations only. I will inform the House when consultations on these proposals have been concluded and the Government's subsequent policy decisions have been made on these matters.

MINISTERIAL STATEMENT

Q-Build Apprenticeships

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.05 a.m.), by leave: I am pleased today to announce that Q-Build will next week open applications for 140 new apprenticeships across Queensland. The 140 new positions are 50 more than our predecessors offered last year and will cover a range of apprenticeships in the building, construction and engineering trades. This intake is one of the largest ever and will play a significant role in this Government's jobs strategy. It will also make an important contribution towards reducing crucial skills shortages in some areas of the State.

The apprenticeships will be offered in locations as far north as Thursday Island, west to Mount Isa and south to Brisbane and the Gold Coast. Applications for the apprenticeships open next Monday, 16 November and close on 27 November. Interviews will be conducted during February and our 140 new apprentices will start work in early March 1999. Application forms will be available from Monday at any Q-Build office or TAFE college or by accessing the Q-Build home page on the Internet.

The categories in which apprentices will be employed include carpenter, plumber, painter, electrical mechanic, refrigeration mechanic, fitter and turner, glazier, joiner, wood machinist and upholsterer. The successful applicants will work in one of the 13 Q-Build regions throughout the State. Because recruitment will be aligned to the level of work opportunities and shortages of apprentices in different regions of the State, not all trade apprenticeships will be available in every region.

This year the Government is making a particular effort to encourage applications from young people who have faced particular difficulties in entering employment in the construction industry, including women, those with disabilities, Aboriginal and Torres Strait Islanders and those with a non-English speaking background.

In past years there has been intense competition for Q-Build apprenticeships. There have often been up to 10 applicants for every available position. That reflects the value of the training Q-Build offers and the calibre of its tradespeople. At present, Q-Build employs 313 apprentices in the building, construction and engineering trades. It is justifiably proud of the training it provides and the role it plays in

preparing young people for careers in the building and construction sector.

I urge any young person interested in trade training to apply for a Q-Build apprenticeship. As someone who started his working life in the building industry, I know just how valuable that training can be. I look forward to welcoming our new apprentices in March next year.

MINISTERIAL STATEMENT

Violence in Aboriginal and Torres Strait Islander Communities

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (10.07 a.m.), by leave: When the Beattie Labor Government came to office four months ago, we pledged to the people of Queensland to promote reconciliation, social justice and racial harmony in this State. We pledged to restore a whole-of-Government commitment to improving the social and economic well-being of Queensland's Aboriginal and Torres Strait Islander population. We pledged to ensure that Aboriginal and Torres Strait Islander people are included in relevant Government decision-making bodies and that indigenous self-determination is advanced.

Recently, a lot of media attention has been focused on the issue of violence in Queensland's indigenous communities, especially family violence—violence directed at women and children. I applaud the attention. It is high time the general community understood the issue and confronted it. The fact is: domestic or family violence is not a subject most of us like to hear about, let alone talk about. It is a bit like the disability issue 30 years ago, which was kept behind closed doors. The issue of violence against women and children must be dragged out into the stark sunlight so that everyone can see its hideous features, confront the perpetrators of this violence and try to extinguish it.

I note that various people have suggested that an inquiry should be conducted into this issue. However, this proposition is not supported by the Aboriginal community at large. Jacob George, the Chair of the Indigenous Advisory Council, the Queensland Government's peak indigenous advisory body, stated publicly at the Coming Together conference in Cairns last week—

"The fact is that Aboriginal and Torres Strait Islander people know what the issues and the problems are, and we

are tired of being put under the microscope and investigated. It is time for the money to be spent on addressing the problems, not on another inquiry to identify things which have already been identified."

This view was supported unanimously by the participants at the Community Justice Initiatives Conference, which included over 200 delegates, many of whom were elders from remote indigenous communities.

The Aboriginal Co-ordinating Council has also publicly declared their unreserved support to fund action strategies, not another inquiry. To quote the chair, Wayne Connolly, in a letter to me last week—

"What is needed now is not passive action via a long cumbersome inquiry process, but rather positive active action that can provide direct assistance to Community Councils to deal with these problems."

Queensland's State representative of ATSIC's National Women's Advisory Committee, Jenny Pryor, has also publicly endorsed my approach on this issue and has stated that there is "a fair degree of scepticism amongst indigenous people about the value of yet another inquiry".

There have been numerous studies, investigations and inquiries into alcohol, violence and associated problems in remote Aboriginal communities. Many of these reports are still gathering dust on shelves in university libraries or in Government departments. I am not about to add a couple more million to the inquiry industry to reveal a problem which has already been extensively studied. My view is that the last thing Aboriginal people need is another group of people sent by the Government to look over their fences. If we initiate yet another inquiry, we will be squandering resources in administrative and bureaucratic processes rather than putting the money directly into the communities—into action rather than talk.

One highly publicised and well-known inquiry into similar matters was the royal commission into Aboriginal deaths in custody. This inquiry was valuable in that it exposed many of the issues surrounding Aboriginal deaths in custody, including the harmful effects of alcohol and other drugs in Aboriginal communities. It was initiated by the Commonwealth Government and ran over four years. It made 339 recommendations which Governments around Australia, including Queensland, are still implementing. Before one cent went to reducing Aboriginal deaths in

custody, a total of \$31,626,000 was spent by Australian taxpayers on the inquiry.

The Beattie Labor Government does not need another inquiry that will duplicate earlier work and waste millions of Queensland taxpayers' dollars. What Aboriginal people want is Government support in terms of services, infrastructure and community development opportunities to address these problems. Unlike the Opposition, which has given up on Aboriginal issues and jettisoned the portfolio altogether, this Government is looking at solutions. I can assure the House that I have put in place a high-level senior officer coordination strategy and will keep the House informed as that implementation proceeds.

We do acknowledge the problem of alcohol-related violence in indigenous communities. We acknowledge that unemployment, isolation, poverty, the lingering effects of the removal of children, cultural disorientation, dispossession and the decline of traditional law are all part of the reason for the high levels of violence and alcohol abuse in these communities. We do not need to be psychiatrists to see that violence is often the last resort for people living with a sense of hopelessness and despair. This Government is determined to take action across-the-board—to address issues of jobs, health, housing, education, infrastructure, isolation, alcohol abuse, family violence and lack of opportunities—to take a whole-of-Government approach in order to achieve real outcomes.

SITTING HOURS; ORDER OF BUSINESS

Sessional Order

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (10.13 a.m.), by leave, without notice: I move—

"That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, tomorrow and Thursday, the House can continue to meet past 7.30 p.m.

Private Members' motions will be debated between 6 and 7 p.m.

The House can 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 today and tomorrow and a 30-minute grievance debate on Thursday."

Motion agreed to.

PERSONAL EXPLANATION**Nerang-Broadbeach Road**

Mr CONNOR (Nerang—LP) (10.14 a.m.), by leave: The Minister for Main Roads falsely alleged that I made promises to my electorate about Nielsens Road. The previous Labor Minister, David Hamill, made these promises. I stated that I supported these options. The district director lied to the local residents that the decision to upgrade Nerang-Broadbeach Road had not been made before the consultation. I tabled this advice in the Parliament. He made the assertion that the consultancy was not a sham. I tabled in this Parliament a letter which he signed two years ago stating that the Nerang-Broadbeach Road would be the option that would go ahead. He has the right to reply to this Parliament about this if it is not true.

NOTICE OF MOTION**Privatisation of TAB**

Mr HEALY (Toowoomba North—NPA) (10.15 a.m.): I give notice that I shall move—

"That, given the Resolution passed by this Parliament on 22 October which said, in part, '... given the importance of the racing industry of Queensland and particularly the implications of any changes to the TAB to the racing industry, that the issue of privatisation requires a full and informed debate as part of a formal legislative process', this House calls on the Government to immediately re-open negotiations with the Queensland racing industry on TAB privatisation and that a report be presented to the House by Wednesday, 18 November."

**TRANSPLANTATION AND ANATOMY ACT
AMENDMENT BILL**

Mr TURNER (Thuringowa—ONP) (10.16 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Transplantation and Anatomy Act 1979."

Motion agreed to.

First Reading

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

Second Reading

Mr TURNER (Thuringowa—ONP) (10.17 a.m.): I move—

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

Australia today is leading the world in many areas of medicine, such as research, development and techniques, including organ transplants. Australia has one of the best transplant success rates in the world, with more than 15,000 Australians receiving organ or tissue transplants since 1965. In spite of this, Australia has the lowest rate of organ donations in the Western World.

Heart, lung, kidney, cornea, pancreas, heart valves, liver and bone marrow transplants have saved thousands of lives and increased the quality of life for many thousands more—the latest milestone achievement in the area of transplantation being the attachment of a cadaver's arm to an amputee. Australia, however, suffers from a shortage of organs available for transplant, and Queensland is no different. Kidney and liver failure, heart disease, blindness, leukemia and many other life-threatening and debilitating conditions can be cured in many cases with donor organs and transplant operations, but the lack of donor organs limits the number of people who can be treated, leaving some patients on waiting lists for up to five years. Twenty per cent of these patients will die before a donor organ becomes available. This tragic loss will decrease if we can increase the availability of donor organs.

At this moment, more than 3,000 people in Australia are on waiting lists hoping for organ or tissue transplants. I feel loath to quote an overused phrase, but we have the technology, yet many Australians are dying due to the lack of organ donations. Because of the negative and irresponsible scripts of television medical programs, organ donations have suffered a major setback in Queensland. These programs gave only one person's feelings and experience and failed to address the positive aspects of organ donations. Since the telecasting of those programs, organ donations in Queensland have dropped drastically—up to 50% in some areas. The number of organs available for transplantation has reached a critically low level.

Queensland at present has no set guidelines for the acquisition of donor organs, and to have a driver's licence marked as an organ donor is not sufficient. Permission from next of kin is required, and often permission is refused by relatives who are distraught and emotional after the death of a loved one.

Other States have created registers and mechanisms to alleviate the shortage. In July 1996, the South Australian Government established the South Australian Organ Donation Agency to coordinate the process of organ donation. This system is in turn based on the Spanish model, as devised by Dr Rafael Matesanz. The rate of 22 donors per million was achieved before the organ donation agency's first anniversary. This is double the Australian average of 11 donors per million. Only around 1% of people die in circumstances which allow for transplantation. In South Australia, medical coordinators who are usually involved in the intensive care units are able to influence the timing and manner of the request for organ donations with this method. Very few of the 1% of potential donors are missed.

It is of the utmost importance that Queensland introduces a model designed to increase the number of organ donors and we also need to reassure Queenslanders that the acquisition of organs is good, and necessary, and saves lives. Whether Queensland adopts the Spanish model, or something similar to the South Australian system, or we create our own system is irrelevant. What we need to do is ensure that as few as possible potential donors are missed. To simplify and help solve this problem in the immediate future, I will introduce to the Parliament a simple amendment to the Transplantation and Anatomy Act that will give legal effect to marking the organ donor space in the driver's licence. At present, ticking this box on your driver's licence has no legal standing, and in the past, relatives and other persons have successfully stopped the organ donation process.

Although in the long term Queensland needs an organ database, the process of starting such a database is a complex task. In the meantime, we can implement this simple measure which will allow people who wish to be donors to mark their driver's licence and to know that, in the unfortunate event they are killed, their organs can be used to save another life. The matter is urgent; the quicker we act the more lives we can save. I commend this Bill to the House.

Debate, on motion of Mrs Edmond, adjourned.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs LAVARCH (Kurwongbah—ALP)
(10.22 a.m.): I lay upon the table of the House

the Scrutiny of Legislation Committee's Alert Digest No. 9 of 1998 and move that it be printed.

Ordered to be printed.

PRIVATE MEMBERS' STATEMENTS

Goods and Services Tax

Hon. R. E. BORRIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.22 a.m.): I rise this morning to correct false statements made by the Premier in regard to the forthcoming Premiers Conference. I place on the record, as I have done on numerous occasions, that this side of the House, both in Government and in Opposition, will support all moves to get the best possible deal for the State of Queensland. In fact, there are numerous examples of how this Government is benefiting from the deals that the coalition Government negotiated with the Howard/Fischer Ministry.

I will tell honourable members a few of those examples: \$103m out of the \$120m available for bonus payments in respect of the sign-on for the new Medicare Agreement and \$65m for Briztram that this Premier walked away from. He did not want the \$65m in Centenary of Federation funding. Another example is the very considerable financial assistance negotiated by the previous Government in regard to the Cultural Heritage Trails project, which this Government, thankfully, has picked up.

We are seeing more of the Labor spin. The only reason that Queensland can be in trouble at the Premiers Conference on Friday is if the current Premier turns Queensland's presentation into amateur hour. The Federal Government has made it clear that the money collected from the GST will be distributed back to the States on a per capita basis. Taking into account the other commitments given, that means that Queensland will be compensated for taxes that we do not have. We will be compensated for not having an FID. We will be compensated for not having a bed tax. We will be compensated for not having a fuel tax. The only reason Queensland will be in trouble on Friday is if Mr Beattie messes it up.

Time expired.

Legal, Constitutional and Administrative Review Committee

Mr FENLON (Greenslopes—ALP) (10.24 a.m.): As Chair of the Legal, Constitutional and Administrative Review Committee, I rise at the request of the

committee to inform the House of the committee's progress in relation to our current inquiries. Next week we intend to table our report on the preservation and enhancement of individuals' rights in Queensland, which specifically considers whether Queensland should adopt a bill of rights as recommended by the former EARC. We also hope to complete this year a short report on two issues of electoral reform arising from the Mansfield decision. These issues relate to how-to-vote cards and appeals from the Court of Disputed Returns.

Our third inquiry concerns a consolidation of the Queensland Constitution. Public submissions on the former committee's draft legislation have closed and we are currently receiving advice on some suggested amendments to those Bills. We hope to table our report on this issue later this year or early next year.

Our other current inquiry relates to a review of the Strategic Review of the Queensland Ombudsman. Strategic reviews are basically external reviews of the purpose, organisational structure, strategic direction and resourcing of the office. The Ombudsman is an officer of the Parliament and this committee is the conduit through which that accountability to Parliament takes place. The inaugural strategic review of the Ombudsman was conducted by Professor Kenneth Wiltshire and his report was tabled in May 1998. We are evaluating the recommendations made in the report, commenting on other findings of the review where appropriate, and evaluating the strategic review process.

We intend to shortly turn our dedicated attention to this inquiry by conducting a substantial amount of research and carefully analysing submissions received by the committee. We hope to meet with Professor Wiltshire and the Ombudsman next month to discuss relevant issues. We will then focus our energies on conducting the body of this important inquiry over Christmas and the early new year. Professor Wiltshire has made 30 recommendations, some of which relate to how this committee's role in relation to the Ombudsman should be enhanced. We hope that our review may now be completed in a timely fashion so that our recommendations may assist the Ombudsman in implementing any of Professor Wiltshire's recommendations.

Time expired.

Sugar Industry

Hon. T. R. COOPER (Crows Nest—NPA)
(10.26 a.m.): I draw members' attention to the

plight of sugarcane farmers in far-north Queensland, particularly the area from Tully north. Declining commercial cane sugar levels are threatening the viability of those cane farmers, yet the Minister for Primary Industries has so far refused to address the problem. The Borbidge Government provided \$300,000 in seed money in the 1998-99 Budget specifically for local research aimed at reversing the declining c.c.s. levels and identifying alternative rotation crops to provide farmers with a much-needed cash flow.

That money was provided to address the problem. I refer members to page 82 of our Budget Paper No. 2 and to a media release dated 15 May 1998. The current Minister diverted that money to a program that industry claims may actually compound their plight rather than fix it. The Cairns Post headline of 24 September says its all—

"Grower ire at mistake on CCS call".

Instead of fixing the problem, the Minister's only answer has been to attempt to mislead far-north Queensland cane farmers. The year 1998 has been an atrocious year for those cane farmers with declining c.c.s., record unseasonal rainfall and poor world sugar prices. Governments cannot do a lot about the weather or world prices, but they can help fix problems like declining c.c.s. It is now time for the Minister to correct his mistake and start addressing the problem. Perhaps with the Mulgrave by-election looming, which the minority Beattie Government desperately wants to win so that it can dump both Independents, the Minister will finally focus on addressing the problem. In yesterday's Cairns Post, the Minister's spokesman was already paving the way for a ministerial backflip. That is a flip that both the Nationals and all those northern cane farmers will graciously accept.

AUSTA Electric; National Competition Policy

Mr ROBERTS (Nudgee—ALP)

(10.28 a.m.): The Labor Party has a clearly defined policy to reconstitute AUSTA by reamalgamating the separate generation corporations created under the previous coalition Government. From its public statements to date, it appears that the Australian Consumer and Competition Commission, ACCC, will be a potential obstacle to that proposal. If the ACCC stands in the way of that initiative, it will be acting against Queensland's and the national interest in terms of Australia's participation in the fast-growing international market for electric power. In order to compete effectively in this market, power generators will need a sound financial

and asset base and the financial clout to compete with large multinationals.

The Queensland power industry has enjoyed a reputation worldwide for technical excellence and is ranked highly against world's best practice standards. That reputation needs to be consolidated and used to the best advantage of the industry and Queenslanders.

The fracturing of AUSTA into four small corporations has undermined significantly its ability to take advantage of the growing international opportunities in power generation and distribution. In South-East Asia alone electricity demand is expected to grow by 66,000 megawatts over the next 10 years, and much of that growth is beyond the capacity of the Government sectors in the affected countries.

This is a major export opportunity that we cannot ignore. Any moves by the ACCC to oppose the reconstitution of AUSTA will be anti-Queensland and against the national interest. I call on the ACCC to back off and leave the future of the Queensland electricity industry to Queenslanders.

Mr SPEAKER: Order! The time for private members' statements has expired.

QUESTIONS WITHOUT NOTICE

Expo 2002

Mr BORBIDGE (10.30 a.m.): I direct a question to the Premier. I note the Premier's indication today that he will not be attending the next meeting of the BIE general assembly in Paris on 27 November on behalf of Queensland's Expo 2002 bid, and I ask: is this because the Premier or his department was advised that his presence at this BIE meeting would be counterproductive—so that the Philippines could formally withdraw ahead of any political lobbying—and, if so, when did the Premier receive this advice on which he now says he is acting?

Mr BEATTIE: Since the Philippines indicated that they have had some difficulty holding Expo 2002, my Government has done everything that it can to secure that Expo for Queensland. We have been frustrated by the fact that the Philippines has not withdrawn. The Philippines has been given the baton by the BIE and they are entitled to continue with that baton until they formally withdraw. There are certain requirements that the holding country, that is, the Philippines, has to comply with by the end of December, which is why it is anticipated—and I have been provided with some advice to this effect—that if the

Philippines is going to withdraw, there may well be an indication by December this year.

The problem for Queensland is this: the longer the Philippines retains the right, the more difficult it is for us to hold Expo 2002 at Coomera. As the former Premier would know, these matters take a great deal of preparation and they require a great deal of organisation, infrastructure and construction. It is not easy; it is not something that can be done overnight.

With specific reference to the question asked by the Leader of the Opposition—over a considerable period I have been provided with a variety of advice. A number of indications were given to me about how to handle the appropriate lobbying in Paris. There were some suggestions made to me that it was absolutely vital that I be in Paris at the end of November, whether the general assembly considered it or not, because they felt that my presence is significant—as was the presence of the previous Premier—in indicating our determination and our commitment to the bid. Bearing in mind that there was considerable doubt as to whether the general assembly would consider the Expo 2002 issue at this meeting, the suggestion was also made that I should not attend because it may well be seen to be pressuring the Philippines out of holding the Expo.

So there were two different pieces of advice. At the end of the day, I had to make a decision. I have made that decision. I will not be attending, but I will be sending a representative. The reason for doing that is that I believe the people of Mulgrave are entitled to have a representative in this Parliament. A by-election will be called, which I will be announcing later today, and that electorate will have a representative when this Parliament meets again after this two weeks of sittings.

How-To-Vote Cards

Mr BORBIDGE: I refer the Attorney-General and Minister for Justice to the Premier's so-called commitment to run a clean campaign in the upcoming Mulgrave by-election, and I ask: what action will he be taking to support the State coalition's call for all how-to-vote cards to be first cleared by the State Electoral Commissioner, or is it the Labor Party's intention to once again distribute dodgy and misleading how-to-vote cards?

Mr FOLEY: I thank the honourable member for the question. He appears to be blithely unaware that some weeks ago this matter was referred by me to the all-party

Legal, Constitutional and Administrative Review Committee. I advise the honourable member that this matter was considered by the Court of Disputed Returns. That court made observations about possible changes to the law regarding the second preference cards that were the subject of a dispute in the Mansfield case before that court. The very next day, I referred that matter where it should be considered—to the all-party committee. That is the process that was contemplated by the report of Tony Fitzgerald, QC, as he then was, which recommended the establishment of EARC, the Electoral and Administrative Review Committee. In its subsequent reports, that body recommended that the consideration of electoral law reform should be undertaken in a proper manner by an all-party parliamentary committee, in which members of the public can have an input.

I suggest that the Honourable Leader of the Opposition become more aware of the actions that have been taken as he appears to be several weeks behind the pace of electoral law reform addressed by this Government. In fact, he might seek to make submissions to that committee if he has some suggestions because the Opposition has representatives on that committee. That is as it should be, because it is important that there be public confidence in our system of electoral law. That is why we have the process in place. I urge the honourable member to get up to date with the process of electoral law reform in this State.

One Nation Preferences

Mr SULLIVAN: I refer the Premier to the admission by the Opposition Leader, Mr Borbidge, that it was a mistake for the coalition to seek second preferences from One Nation at the last election, and I ask: what evidence is there that the coalition has learned from its mistake?

Mr BEATTIE: I acknowledge that scintillating and intelligent question. As the Courier-Mail picked up, the honourable member for Chermside is well known for asking intelligent and scintillating questions. I again thank him for that. The answer is that there is absolutely no evidence that the Leader of the Opposition or the National Party have learned any lesson.

Over the past couple of days, it has been intriguing to listen to the National Party candidate in Mulgrave and, indeed, the National Party organisation. In relation to Mulgrave, not once have they ruled out another deal between the National Party and One Nation. All I can say to the honourable

member for Caboolture is: "Bill, you had better lock your door because they will be on their way." The National Party is desperate.

I predict that we will see a dirty campaign from the National Party; in fact, it has already started. We saw that from the Leader of the Opposition this morning. The Labor Party has never done anything illegal or wrong in relation to how-to-vote cards. The only organisation that has been running around doing secret deals is the National Party. Today, I warn the people of Mulgrave to beware; they will see more National Party dirty tricks.

Mr BORBIDGE: I rise to a point of order. No-one on this side of the House is facing criminal charges in Townsville.

Mr SPEAKER: There is no point of order.

Mr BEATTIE: I rest my case. Who is the party in the gutter? I again warn the member for Caboolture: "Bill, beware the ides of March. Beware this Leader of the Opposition. He will be through your door."

It would be a nice change if we had a decent by-election where there were no shonky deals about preferences and we actually had some debate about policy. If the Leader of the Opposition wants to talk about how-to-vote cards, I say that perhaps we could do without a few of the how-to-vote cards that were distributed by the former Liberal member for Mansfield. Every one of the how-to-vote cards distributed by the Labor Party has been found by the courts to be legal.

My point is very simple: there has been no evidence that the National Party has learned anything. I suspect that there will be another secret deal as the National Party grovels and does everything that it can to try to win that seat.

Stamp Duty on Share Transactions

Dr WATSON: I refer the Treasurer to the announcement by the Premier that Queensland would consider abolishing stamp duty on share transactions. In view of the fact that in his own press release Mr Beattie admitted that he discussed this matter with the Treasurer, albeit very briefly, I ask: does the Treasurer support the move by the Premier to remove stamp duty on share transactions? If this move is in the best interests of Queensland, why was it not included in his recent Budget?

Mr HAMILL: I thank most sincerely the member for Moggill for his question in relation to this very important matter. In his question he actually puts forward two propositions and I

intend to deal with both of them. He asked why the issue of a further reduction in marketable securities duty was not included in the State Budget. I would have thought that the answer to that was very clear. It is for the very same reason that we took the very responsible position of not proceeding with other changes to stamp duty in the State Budget, because so much is at stake at the forthcoming Premiers Conference in relation to Federal/State financial relations.

Dr Watson: What's changing it?

Mr HAMILL: If the honourable member will just give me a go, I will answer. We chose not to further reduce the State's tax base because we were genuinely concerned that Queensland would be penalised through a reduction in the State's revenue base in the carve up of potential GST revenue by the Federal Government.

Having said that, I come to the very important issue of marketable securities duty. It has been the long-held view of the Labor Party in Queensland that we should do everything that we can to foster the financial services industry in this State. In fact, the Goss Government reduced marketable securities duty in return for an agreement with the Australian Stock Exchange to bring stock exchange services to Brisbane, and we were successful in bringing additional ASX services to Brisbane at that time. The decision of the Goss Government to reduce marketable securities duty was warmly received by the financial services industry in Australia. The only groups that were very upset about that decision were the New South Wales and Victorian Governments.

I continue to support any measures that we can put in place to further develop employment in the financial services sector in this State. I personally support the further reduction in marketable securities duty. That view was reported last week in connection with comments made by myself and the Premier. I further add that the views that were expressed by the Premier and myself have been applauded by the financial services sector across the country. Again, the only groups that do not seem to like it are the New South Wales and Victorian Governments.

Time expired.

Meat Processing Development Initiative

Mr PURCELL: I ask the Minister for State Development and Minister for Trade to inform the House of moves to support the State's meat processing industry?

Mr ELDER: I thank the member for his question and I note that he has a very keen interest in the long-term viability of the meat industry in this State and the impacts that it has on the constituents and workers of his own electorate. I thank him for his efforts in developing the new initiative to date.

Over the past couple of years it has been obvious that the State's meat processing sector had been changing. In fact, when the Borbidge Government was last in office, it approached the problem in its usual way: it held an inquiry and then did very little beyond that point. By contrast, we will get on with governing. We will not allow the forces of rationalism to roll over the meat industry. The member for Moggill, "Professor" Watson, might say that one should leave everything to the markets, but we will not leave everything to the markets. If we were to do that, people would lose their jobs. According to the coalition's own report, 17 abattoirs throughout the State would be closing and some 5,000 abattoir workers would be looking for jobs. The coalition presented that report but did very little else. It is no wonder that it is regarded as dead meat within the industry.

The fact is that the Labor Government has worked with the industry to develop the Queensland meat processing development initiative. The provision of \$20m will go a long way to supporting the industry. Over the next three years, that funding will support projects throughout the State. The initiative will be driven by the meat industry task force, which will be headed by myself and my parliamentary colleague Mr Palaszczuk, the Minister for Primary Industries, Fisheries and Forestry, whose department and mine will play lead roles. Senior officers of our departments will be given the task of delivering the strategy. That will allow us to work extremely closely with industry to develop new opportunities and fresh momentum in an industry that was shrinking in this State as, in many cases, industry operations moved to New South Wales.

Under this plan, the Queensland Government will exit the ownership of the Queensland abattoirs at Cannon Hill, Ipswich and Toowoomba, but not until all commercial arrangements for the users and buyers involved in those sites have been put in place. Then we will look at the prospect of redeveloping those sites. The fact is that legal obligations have to be honoured for the clients of those particular sites, and we will meet them. We will not leave them in the lurch, as was the case when the former Government made the decision to exit those sites in

November 1999. That decision was made with little regard for the industry, with little regard for the users of those sites and with little regard for the buyers involved. The coalition left those people in the lurch. The industry was at a crossroads and the former Government was going to leave it there. The Labor Government will forge ahead with the industry. We will ensure that we maintain a meat industry in the State.

I thank those members opposite who have written to me in relation to the initiative. Although the coalition has been critical, it did little on this matter. However, some members opposite have congratulated us on this initiative and I thank them for that.

Time expired.

Sugar Industry

Mr COOPER: I refer the Minister for Primary Industries, Fisheries and Forestry to the problem of falling commercial canesugar levels in far-north Queensland and to his budget allocation providing \$300,000 for sugar research, which was later criticised by industry as being misdirected. I also refer the Minister to the Cairns Post of Monday, 9 November, where his spokesman said, "Mr Palaszczuk is still taking advice on the matter and may decide the money would be better spent if it was targeted to the far north." I ask: does the Minister's budget stand or has the Mulgrave by-election finally focused his attention on the plight of sugarcane farmers in far-north Queensland?

Mr PALASZCZUK: The State Government is fully aware of declining commercial canesugar levels in cane grown in north Queensland. The Department of Primary Industries is working with a range of industry and research organisations to ensure that declining yield issues such as c.c.s. decline are investigated. In May this year, the BSES announced funding of \$1.1m to target c.c.s. decline and more recently the Commonwealth provided additional funding of \$13.45m nationally, with c.c.s. decline as an identified priority. The State Government Budget provided new initiative funding of \$100,000 per year over three years to support yield decline research. Those funds are being used by the department's Farming Systems Institute to support ongoing research to develop solutions for both yield decline and c.c.s. decline. In answer to the honourable member's question: of course this Government has committed \$300,000 towards c.c.s. decline investigation.

The department is also working with local groups in north Queensland—including the Innisfail Future Sustainability Group in the electorate of the honourable member for Hinchinbrook—to analyse local issues and investigate options for improving farm viability. Collaborative projects and funding proposals for 1999 are being developed with major stakeholders. The department has also committed resources for marketing studies to identify potential supplementary enterprises in the Wet Tropics. Unfortunately, what has caused most confusion on the issue of research into declining c.c.s. levels is that former Minister Rowell lead canegrowers of the Innisfail region in his own electorate to believe that there would be a cheque in the mail, but this was not the case.

Mr ROWELL: I rise to a point of order. What the Minister said is untrue. I ask him to withdraw his statement about there being a cheque in the mail. He does not know what he is talking about.

Mr SPEAKER: Order! The Minister will withdraw the statement.

Mr PALASZCZUK: Mr Speaker, I withdraw.

In the past week, I asked senior officers of the DPI to put in place a strategy that will focus specifically on the CCS decline in the area from Tully north. Once again, it is very disappointing to find that the Opposition is prepared to play political football with a very serious issue for one of the State's most important primary industries.

Goods and Services Tax

Ms BOYLE: I ask the Treasurer: with reference to the forthcoming Special Premiers Conference on the proposed GST, what is Queensland's position in relation to the distribution among the States of revenues raised by this new tax, and how does this contrast with the views of other Australian States and Territories?

Mr HAMILL: The issues before the Special Premiers Conference on Friday are vital to Queensland and should be of interest to all members of this House. When the Prime Minister proposed his goods and services tax, he promised several things: firstly, that all of the revenue generated by the goods and services tax would be allocated to the States and Territories; and, secondly, that State and Territory revenues would be guaranteed in the introduction period of the GST. In other words, there would be a transition period during which State and Territory finances would be

underwritten by an additional sum of money made available by the Federal Government. In other words, by making that point he was acknowledging that there would be shortfalls in revenue streams to the States and Territories—the very thing which the Queensland Government warned of before the Federal election. Thirdly—and this is critical—the Prime Minister promised that the GST pool, the money raised by the GST, would be allocated to the States and Territories according to principles delivered through the Grants Commission. We want to hold the Prime Minister to each and every one of those promises. Anything less than that would be a sell-out of Queensland, because we would be put in a situation whereby we would be subsidising the removal of State taxes and charges in other States—taxes and charges that do not exist and have never existed in Queensland.

I am amazed at the gall of the New South Wales Government to run full-page advertisements—State of origin rubbish—attacking not only Queensland but also South Australia, the Northern Territory and Tasmania. This represents a push by New South Wales and Victoria to undermine the role of the Grants Commission in this whole question. This morning I was amazed when the Leader of the Opposition hopped up and said, in one of his rare utterances on this issue, that he was supporting the distribution of the GST on a per capita basis. That is what Jeff Kennett wants—per capital distribution. We want the Grants Commission—

Mr BORBIDGE: Mr Speaker, I rise to a point of order. The Treasurer is misleading the House. He knows full well that I referred also to the other safeguards.

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

Mr HAMILL: Let the record of the House bear witness to the comments of the Leader of the Opposition. He was happy to have per capita distribution; we are not.

Time expired.

Maryborough Base Hospital

Miss SIMPSON: I refer the Minister for Health to guidelines for Maryborough Base Hospital casualty that state—

"Beginning 14 November 1998 during day hours there will not be a surgeon on duty at Maryborough Base Hospital."

The guidelines instruct staff to ring the Hervey Bay Hospital and talk to the surgeon on call. Staff have also been instructed not to panic if the surgeon is not on site. I table the guidelines, and I ask: why is the Minister continuing to treat the people of Maryborough with contempt by downgrading their hospital, and why is she defying a motion passed by this Parliament which supported maintaining all existing specialist services at the Maryborough Base Hospital?

Mrs EDMOND: I would question the date on that memorandum. Could the member tell me the date on that memorandum? Like everything else, it is probably way out of date; it probably dates back to the time of the previous Minister.

Mr Beattie: 1997.

Mrs EDMOND: Yes, it is probably 1997, when the previous Minister went to Hervey Bay and announced proudly that he was going to halve the services at Maryborough.

Mr Beattie: He did.

Mrs EDMOND: Indeed, he did.

The member is so far out of touch that she still does not know what is happening. Just a couple of weeks ago, when the Premier was on a visit to Maryborough he announced that we have appointed Mr Mark Robinson as the manager of the Maryborough Base Hospital and health services to start progressing the redevelopment that has been languishing for years. For how many years did members opposite sit by without doing a thing about it? We want to progress the redevelopment. Not only will we do that, we have also announced other special staff appointments directly at the Maryborough Hospital so that we can overcome the problem that has been there for years and which we inherited from members opposite. For example, staff had to try to cover both hospitals; they were finding that difficult and refusing to cooperate between the two hospitals.

Unlike the previous Minister, I was not prepared to sit back and do nothing. We have been attacking this issue and addressing it. Unlike the member opposite, I have been getting calls from some of the leading protagonists up there thanking me for the work I am going to do and saying that the next time I go up there I will have a party with them to celebrate the fact that we have at last put extra specialist services into Maryborough and are expanding the range of services available to people at Maryborough. Members opposite do not like the fact that we are expanding services at Maryborough in a wide range of

areas and providing the hospital with its own staff specialists.

Privatisation of TAB

Ms NELSON-CARR: I refer the Premier to reports in the Courier-Mail yesterday in which the State Government was criticised for not privatising the TAB, and I ask: can the Premier inform the House of the true situation and whether this criticism is justified?

Mr BEATTIE: The House should be informed that on two occasions the Minister for Tourism, Sport and Racing and I have met with the racing industry. The last meeting, which was approximately two hours' long, was held last Thursday night. During those discussions my priority was very simply this: to make certain that there was not only a future for the racing industry—our fourth biggest industry in this State—but also that if the privatisation of the TAB went ahead there would be sufficient value in it to attract investment from the mums and dads in Queensland. That is what it was about.

What I was concerned about at the end of the day in respect of those negotiations was that that was not what was being put. I am happy to continue to have discussions with the racing industry and the TAB to make certain that there is a strong future for the racing industry and the TAB. There are certain matters on which I would not agree. One of those relates to a success fee. I ask all Queenslanders today: would they agree with me or would they not when I said to that meeting on Thursday night that the Government was not prepared to pay a success fee negotiated by the racing industry with Michael Byrne from Macquarie Bank but which was sought to be paid for by the Queensland taxpayer if the privatisation went ahead? I have a lot of respect for the Macquarie Bank; it is a very good bank. However, if this representative of Macquarie Bank was able to convince the Queensland Government to sell the TAB, the Macquarie Bank would have been paid a success fee. Do honourable members know how much that success fee would have been? \$2m! Do members know who agreed to it? The former Minister for Racing, Russell Cooper! I have a letter from the racing industry that spells that out.

I am not tabling the letter because it deals with other consultancy fees, but I am happy to show the former Minister if he wants to argue about it. He agreed to a \$2m success fee which would be paid for by the taxpayers and I said that the taxpayers of this State would not

pay. I make it clear today that I am happy to sit down and talk to the racing industry and that I will continue the good relationship I have with Macquarie Bank, but I am not prepared to be ambushed by pressure applied from the Courier-Mail or anyone else to waste \$2m of taxpayers' money—end of story.

Time expired.

Timber Industry

Mr FELDMAN: I remind the Honourable the Premier that my door is always open to talk about the best options for Queensland and Mulgrave. I point out to the Honourable the Premier that the current legislative uncertainty in the timber industry, in particular the hardwood sector, is stopping investment and slowing maintenance in an industry that employs 17,000 people directly and 14,000 indirectly and is worth \$1.7 billion to Queensland annually, and I ask: what legislative plans does his Government have to assist the industry and clear up this uncertainty?

Mr BEATTIE: The member for Caboolture has raised a very serious issue that has been the subject of some discussion in Cabinet. In fact, we have established a Cabinet committee which is currently working on this. Only last Sunday at our Community Cabinet meeting in Springwood I was involved in a discussion with the Deputy Premier and the two relevant Ministers, that is the Minister for Primary Industries and the Minister for Natural Resources, in relation to the industry. We are currently working on a number of proposals, and we are quite happy to brief the member. As he would understand, these proposals have not yet been finalised, but it is sufficient for me to indicate to the Parliament today that we value this industry, which employs a lot of Queenslanders. It is an important industry and we are quite happy for one of the Ministers involved in this Cabinet committee—and it consists of the four of us——

Mr Palaszczuk: And it's important.

Mr BEATTIE: That is right. The Minister for Primary Industries has pointed out the importance of this industry to a number of major provincial cities and towns in this State. We are happy to brief the member opposite as we go through this process. However, I want to indicate to him today that we value this industry and we respect his interest in it. One of the Ministers will contact him later today—probably the Minister for Primary Industries—to bring him up to date.

Mr Feldman: It's the uncertainty.

Mr BEATTIE: I understand that. That is one of the reasons that we are moving quickly. There are certain deadlines which, if I recall correctly, will come into effect by the end of this year. We are moving to deal with the issue as quickly as we possibly can. The Minister for Primary Industries will bring the honourable member up to date and we will keep him informed.

Nambour General Hospital

Mr WELLINGTON: I refer the Minister for Health to the fact that last week I held two meetings with staff from the Nambour General Hospital. At both meetings staff expressed real frustrations with the delay in finalising the redevelopment plan for the hospital on land including the old nurses' quarters. I and many in my community support the demolition of the old nurses' quarters to make way for the hospital redevelopment. Do the Minister and the Government also support the demolition of the old nurses' quarters to make way for the redevelopment and, if so, when is work expected to commence?

Mrs EDMOND: I thank the honourable member for the question. I can understand his frustration, because redevelopment of the Nambour Hospital has been delayed. It was delayed originally by those opposite when they enacted a freeze on capital works in Health, which caused six months to go by without anything happening.

Opposition members interjected.

Mrs EDMOND: Can we have that chorus again? The members opposite show no regret over it, but we certainly regret that delay and the fact that the delay has gone on and on. So it is with a sense of frustration that our application to build on the land currently occupied by the nurses' quarters has been rejected by the Heritage Council.

Prior to putting forward the proposal to build in that area, Queensland Health did look carefully at a range of options. Some of the land that the department has indicated we should look at contains, I understand, a deep ravine and is heavily timbered. I have not actually seen it myself, but I will inspect it. It is a major concern that the Heritage Council has caused this further delay.

I have asked the department to go back and look again at every possible option to see if there is anywhere else we can site the new building so that we can progress it as quickly as possible. I have had a look at the building; it is old and it has huge cracks in it. It will cost an enormous amount of money to even make

it safe, let alone maintain it—money that I for one would rather spend on health services in the area. We will be progressing it as quickly as we can. We need to go through all of the protocols in relation to that. We will be looking to see whether there are any alternatives to developing on the nurses' quarters site and, if not, I will be going back to the department to see what we can do then.

Elliott Channel Irrigation Scheme

Mr KNUTH: My question is directed to the Minister for Environment and Heritage and Minister for Natural Resources. I thank the Minister for replying to my statement made in Parliament on 26 August 1998 regarding the Elliott Channel irrigation scheme. As the Minister is aware, this is an important project to be looked at; it is not one to be taken lightly. However, unless the Minister can take the time to visit the concerned horticultural and agricultural farmers of the Ayr and Gumlu areas of the Burdekin delta and listen to what the farmers have to say to the possible development of high value crop production, he will not be able to evaluate the true importance of this project. I ask the Minister: could he inform the House of his intention to visit the Burdekin region over this pressing matter?

Mr WELFORD: I thank the honourable member for his question. I respect the fact that the honourable member does have concern for the irrigators in this area. The Burdekin area depends on good water supply, and the potential for the expansion of this irrigation area has been the subject of much debate in the local area for a long time.

As I have indicated to the member, I will take the opportunity at some time to try to get up there and talk to those people. I cannot commit on a date here and now. My schedule, like the schedule of all Ministers, is very busy. As I move throughout the State, I take the opportunity to meet with local groups in areas that I am visiting. If I have the opportunity to be in the Burdekin area—as no doubt I will—in the course of my deliberations in relation to water supply issues, I will certainly make every effort to meet the farmers concerned.

Elective Surgery Waiting Lists

Mrs LAVARCH: I ask the Minister for Health: can she advise the House as to the current status of elective surgery waiting lists at Queensland's major public hospitals?

Mrs EDMOND: What a good question! I thank the member for her question and I compliment her on her keen interest in health

issues. I am proud to announce that yes, the second quarterly elective surgery report was published just recently, and Labor continues to meet its election commitment in that area. Unlike the Opposition, we are not hiding these figures; we believe that they should be out there in the public domain. We are not going through little selective leaks of the good bits and hiding everything else, but are putting it out there so people know exactly what is happening.

Yes, the report did show the usual seasonal impact that winter ills and chills had on hospitals around Queensland where, in some hospitals, resources had to be directed away from elective surgery to actually treating people who are sick but not needing surgery—people such as children and the elderly who are suffering from serious bouts of the flu and respiratory complaints. Even with all of that, the elective surgery statistics showed something else; they showed that Queensland hospitals did an increasing amount of elective surgery in these three months. In fact, in the three months to October, compared with the matching three months last year, 1,700 extra operations were performed. I think that is a testament to the skills, efficiency and hard work of our health workers around the State.

Mr Cooper interjected.

Mrs EDMOND: That is before we have completed. The member opposite asked me to remind people that this is following on the strategy introduced by Peter Beattie when he was Health Minister which was republished. He wanted me to know that it was republished in a pink form by the previous Minister. The previous Minister did change something: he changed the colour to pink. I have never quite worked out why, but maybe he was confused with the pink pages.

We are delighted with the outcome of the health waiting lists report because it shows that we are getting on with dealing with those waiting lists. We are following the strategy introduced by Peter Beattie when he was Health Minister and which was continued by the member opposite in its pink form. I think it is important to know that, while we are doing this, what do we have opposite? We have the odd couple running around the State, trying to work out who is the shadow Health Minister. They are mincing around, looking for opportunities wherever they can. The previous Minister must be getting upset because the member for Maroochydore keeps concentrating on all of those things that he left in the too-hard basket. The biggest single piece of furniture in my office is the too-hard

basket—it was overflowing with legislation, overflowing with decisions that needed to be made.

Time expired.

Sugar and Horticultural Industries

Mr ROWELL: I refer the Premier to meetings that I have attended over the past three months with his representative in north Queensland regarding the desperate situation facing the sugar and horticultural industries in far-north Queensland as a result of the disastrous wet conditions. To date, no response has been received from the Premier's Department. Does the Premier intend to provide any support? If so, what action is intended and when will it occur?

Mr BEATTIE: I thank the honourable member for the question. As he would be aware, we are very concerned about the future of the sugar industry. That is why on a number of occasions I have personally inspected canegrowing areas affected by flood damage, both north and south of Townsville, including significant parts of the member's electorate. I have met with local council representatives.

On a number of occasions the Minister for Emergency Services has outlined specific programs to assist. As the member for Hinchinbrook knows, there is a Commonwealth/State arrangement whereby Federal funds flow when a certain amount of damage has been done. Up until then, it is largely a State responsibility. The bottom line is that the Minister for Emergency Services has put in place the necessary disaster requirements, and money has flowed as a result. That is the first thing.

Mr Rowell interjected.

Mr BEATTIE: That is what has happened and the member knows that. Secondly, in terms of industry generally—and the member was fairly general in his question—the Minister for Primary Industries meets regularly with canegrowers and representatives of the sugar industry. Whenever I run into them they tell me that Henry Palaszczuk is the best Primary Industries Minister the State has ever had. The only concern they express to me is: "For Heaven's sake, never let Russell Cooper become the Primary Industries Minister." They say to me, "Henry Palaszczuk is such a great farmer's friend. We wish he was a canefarmer." He ought to take a bow.

At a meeting of the United Graziers Association I attended the other day it was insisted that Henry lead a delegation to Europe to revive the wool industry in this State.

I had knocked back the trip, but the United Graziers Association said, "Henry is such a great Minister. We want him in Europe increasing wool sales." So what could I do? I had to agree! I had no alternative. The industry was demanding. It said that it had a problem. What did it want to do? It wanted to send in Henry. We are going to look after primary industries. We are going to send in Henry.

Air Quality Monitoring

Mr MUSGROVE: My question is directed to the Minister for Environment and Heritage and Minister for Natural Resources. I refer to the Beattie Government's pre-election commitment to increase air quality monitoring in south-east Queensland and to the decision to place a state-of-the-art air monitoring station in Springwood. I ask: what will be the benefits to the residents of Springwood and other urban areas, including Sunnybank, in south-east Queensland?

Mr WELFORD: The quality of the air that we breathe is becoming one of the most important environmental issues faced by Queenslanders in urban areas. I was very pleased to announce yesterday the siting of a world-class air monitoring system in a school in the electorate of Springwood. Air quality will be directly assessed by students at that school on behalf of their community and the people of Queensland. Not only does it bring to our future community leaders the very latest technology; it enables them to incorporate into their studies the science of air pollution monitoring. The neighbourhood monitoring system established at Springwood is part of a new \$300,000 commitment to the quality of urban living. We are now getting much clearer information about the comprehensive range of pollutants throughout the Brisbane region.

This system in Springwood was a direct consequence of the initiative of the member for Springwood, who in the recent election campaign held consultations with the community affected by the expansion of the South East Freeway. The consultation process had been mucked up disgracefully by the previous Government. It was the member for Springwood who came to the rescue of the Springwood community and responded to its concern about the environmental impacts of that road proposal. Yesterday the member for Springwood and this Government were able to deliver on the promise that we made to that community during the election campaign and to respond to its concern about air quality.

This initiative will have multiple benefits. Not only will it enable us to monitor the air quality impacts of the freeway; it will enable us to monitor the impacts of the air shed of the south Brisbane and Logan area generally. It will also enable the school community of Springwood High, where the monitoring system has been placed, to enhance its science programs, which already involve Waterwatch, conducted by my department, to monitor water quality in neighbouring creeks and waterways. That school now also has a world-class, state-of-the-art air monitoring system to monitor air quality in the region.

I congratulate the member for Springwood on the initiative that he has taken and to which this Government has responded. I congratulate the students of Springwood State High School who attended yesterday and who showed a very keen interest in this equipment that they will now be able to use to monitor air quality, both for their school and for their community. To have Springwood High students involved in these monitoring programs is not only an investment in the quality of our future; it is a much-needed investment in theirs.

Interruption.

DISTINGUISHED VISITOR

Mr SPEAKER: Order! The Chair wishes to recognise the presence in the gallery of the former member for Port Curtis, Bill Prest.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Privatisation of TAB

Mr HORAN: I refer the Premier to an article which appeared in Saturday's edition of the Queensland Times entitled "Ipswich racing under threat". In the article the Chairman of the Ipswich Turf Club, Dan Bowden, predicts a gradual erosion of the district's racing industry if the Queensland TAB is not privatised. The article quotes Mr Bowden as saying—

"As far as Ipswich is concerned, it would be disastrous for the people in full-time employment in thoroughbred racing and in all three codes."

I ask: now that the Premier and the Racing Minister have buckled to union pressure in the most extraordinary about-face ever performed in Queensland politics, what proposals has the Premier put forward to protect the hundreds of Ipswich jobs under threat from New South Wales and Victoria as a result of his decision to scrap the privatisation of the TAB?

Mr BEATTIE: I am happy to debate the issue of the TAB here; I am happy to debate it tonight. The bottom line is that out of the negotiations with the racing industry we had to achieve a fair outcome that meant there was sufficient value for the mums and dads in this State to participate in a public float.

Mr Horan interjected.

Mr BEATTIE: We are about protecting jobs. The member for Toowoomba South asked the question; I will give him the answer. We were about making certain that the TAB was an attractive float so that mums and dads would invest in it—that it would not be bought simply by VICTab or by New South Wales. That is the way it was heading under the previous Government. There was no way in the world we were going to go down that road.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest will allow the Premier to answer the question.

Mr BEATTIE: I also wanted to safeguard the country race courses and those in regional Queensland, such as in Rockhampton, Cairns, Atherton and Mareeba. I wanted to make certain that country race clubs had a go—including the Ipswich area—and that we had a racing industry with a future. That is what it was about. Yes, I was tough. Of course we were tough on Thursday night, because I was not prepared to sell out the racing industry.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Mr BEATTIE: The former Minister, Russell Cooper, indicated a range of things to the industry, but it never went to Cabinet. It did not have Cabinet approval. At the end of the day, the position was this—

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest will cease interjecting.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest will cease interjecting.

Mr BEATTIE: I have not produced the figures in the House this morning because I do not have them with me. However, I will produce the figures tonight. The deal that the former Minister was doing basically meant that the sale price of the TAB—what the taxpayer got—would be wiped out in three years from the reduction in revenue to the State.

Mr Cooper interjected.

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

Mr BEATTIE: So in three years we would have got nothing back. The Deputy Leader of the Opposition might be so inept when it comes to financial management as to buy a dud deal like that, but this Government is not. The former Government never once put it through Cabinet.

Mr Cooper: The racing industry wanted it.

Mr BEATTIE: Then why did the member not put it through Cabinet? Why did it not go to Cabinet? It did not go to Cabinet—not once.

Time expired.

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest will cease interjecting. I have warned him already under Standing Order 123A. This is my final warning for the day.

Numeracy Resource for Primary Schools

Mrs ATTWOOD: I direct a question to the Honourable Minister for Education. I understand that Education Queensland has launched a new maths resource for primary school students. I ask: is this an area in which Education Queensland is taking an active lead in addressing problems?

Mr WELLS: I thank the honourable member for her question and note that her very presence here is a tribute not only to her electoral appeal but also to her numeracy. I urge honourable members to take an interest in this important resource, which I launched last week. This is for young children who are experiencing difficulties with numeracy, particularly in the early years. This package is called Support A Maths Learner—Number. It is a joint initiative of the Queensland Catholic Education Commission, of the independent schools and of Education Queensland. I was very proud that those systems were able to work so effectively together to produce such an excellent resource. This is indeed excellent learning material. Those children who have tried it already have said to their teachers—

Mr Schwarten: "We need some more."

Mr WELLS: "When can we come back and do some more?" Indeed, there is something in this for everybody. I intend to table this resource for the benefit of honourable members opposite. One of these documents contains some patterns containing hidden numbers. This will be useful for the Liberal Party when it is working out the consequences of the GST. A couple of pages back we have some dots to join. So the

National Party, which is in a bit of a policy drift at the moment, can use that to work out what its policy is going to be on the next issue that comes up. And for the honourable members of the One Nation Party, we have something pretty simple: some straightforward colouring in.

As I have told the House before, the Government fully endorses the national plan on numeracy. The explicit goal of the national plan is that every child leaving primary school should be numerate and able to read, write and spell at an appropriate level. These materials are a significant step forward in the attempt to achieve that result. Queensland is at the leading edge of this. This will be a Queensland export to other State education systems.

Minister for Mines and Energy

Mr SANTORO: I refer the Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development to recent publicity within the Sunday Mail in relation to the dismissal of a policy adviser working within the Minister's electorate office on the basis that his girlfriend was Natalie Larkins, an ABC reporter. I ask: can the Minister confirm that it was the ABC which first broke the story about the Minister's refusal to wear a seatbelt and his subsequent dealings with the Queensland Police Service in relation to this issue?

Mr McGRADY: This matter is before the court. It is sub judice, and I do not intend to comment on it.

Fuel Price Deregulation

Mr PEARCE: I ask the Minister for Fair Trading: can she inform the House how the Commonwealth's deregulation of the petrol industry has affected Queensland motorists?

Ms SPENCE: All Queenslanders would share the member's abiding interest in the price of fuel because, after all, it affects our quality of life and the cost of doing business in this State.

When the Federal Government deregulated the price of fuel on 1 August, we were told that this would increase competition and reduce prices. As I predicted when answering a question in this House in August, the oil majors, which have the most to gain from deregulation, did reduce the price for a short time before the Federal election to reward the Howard/Costello team for deregulating the price of fuel. But since the

Federal election, predictably, the price of fuel has risen in many parts of Queensland.

I am informed that in Townsville, 35 service station employees have lost their jobs in Ampol/Caltex service stations since deregulation. In fact, Ampol/Caltex has taken over all the strategic sites in Townsville and has reduced the retail price of fuel by 2c a litre. At the same time, the wholesale price has been increased to franchisees by 3c to 4c a litre. So what the oil majors are doing is predictable. They are squeezing the margins, and they are squeezing people out of the business. Once they have reduced the competition, they will be free to increase the price of fuel because—and let us not forget this—there is no longer a maximum on the price of fuel in Australia to contain them.

The member for Fitzroy would be interested in similar reports from Rockhampton which indicate that the wholesale price jumped by 4c a litre recently, leaving operators with about a 2c profit margin. I have talked to independent service station owners in Rockhampton who tell me how tough they are doing it. They tell me that they are going to be forced out of business and there will be no-one to buy their service stations from them.

This is an issue for rural and regional Queenslanders much more than it is for those of us who live in the south-east corner, where price wars have kept the price of fuel down. The only way in which prices will fall in rural and regional Queensland is if service stations close. The oil majors predict that 50% of the service stations will have to close just to effect a 2c a litre reduction in the price of fuel. The real losers out of this deregulation are independent small businesses—the family business—in Charleville or Longreach, where motorists pay 17.9c more a litre than they do in Brisbane.

Time expired.

School-based Management

Mr QUINN: I refer the Minister for Education to the three options contained in the departmental report he tabled today on future directions for school-based management in Queensland State schools, and I ask: is it not true that there was a further option in the original report—a fourth option—which was deleted from the final report? Is it not true that this fourth option, like the other three options, was developed following extensive consultation with schools and key education stakeholders? And is it not true that this fourth option was deleted

because of vested union interests at the expense of further choice for our schools?

Mr WELLS: A vast number of different options were considered, including a fourth, fifth and sixth option. The final version that the department came up with as its interim recommendation was the three-option plan. That departmental recommendation has been put out for the purposes of consultation. We are prepared to talk to anybody about that—even the honourable member for Merrimac. If other people want to suggest other options, we are prepared to take them on board.

At this stage we have a departmental discussion paper. The honourable member should not get too excited about whether option four, five, six or seven was not included. If he feels that there is a particular option to which he would like to ascribe a particular number, he may suggest it and it will be taken on board. If it is a good idea, we will do it, and if it is not a good idea, we will not.

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

MATTERS OF PUBLIC INTEREST

Darling Downs Vision 2000; Water Supply

Mr HORAN (Toowoomba South—NPA) (Deputy Leader of the Opposition) (11.30 a.m.): A wonderful window of opportunity exists for this State to put in place an immediate boost to the Queensland economy and to the creation of more secure and permanent jobs and to solve a looming environmental crisis for south-east Queensland and Brisbane. I refer to the visionary and practical opportunity that is before this State, which has been proposed by Darling Downs Vision 2000, for the piping of water that is surplus to Brisbane's requirements from Luggage Point to the Lockyer Valley to provide secure irrigation and then over the range to the Darling Downs.

The Darling Downs and the Lockyer Valley are some of the most productive farming areas in the world. They have some of the best soil in the world. They have some of the best farmers and farming technology in the world. The results of various crop competitions will attest to that. The one problem that is holding back both the Darling Downs and the Lockyer is the lack of availability of adequate, secure water supply. The water supply in the Lockyer comes from a system of creeks, weirs and shallow bores. The water supply in the downs is a combination of water taken from bores—which, in many cases, are now very

deep bores—from the collection of overland flow into ring tanks that are pushed up onto the blacksoil plain—there is now a network of those major blacksoil ring tanks in place—and from the collection of water from water allocations on the Condamine system fed by the Leslie Dam.

The water supply is grossly inadequate. As I said at the outset, in those areas we have some of the best farming infrastructure, some of best farming families, some of the best soil and some of the best climate in the world. Those areas produce hundreds of millions of dollars in summer and winter crops in grain, cotton and horticulture. The opportunity to expand that production is absolutely enormous. The opportunity for that expansion is sitting right underneath our windowsills if only we could do something about the provision of water supply.

Darling Downs Vision 2000 was formed in 1994 and now has about 200 members. Its aim is to bring to public attention the need for an adequate, secure water supply for those areas, to promote farming business, to promote the associated value adding and to promote light manufacturing and other industries, such as transport, which go with successful farming that is backed up by irrigation systems. Darling Downs Vision 2000 is not only doing that but it has also moved into two major studies. The first study, called a conjunctive water use study, is being done in conjunction with a number of other bodies, including such bodies as the Murray/Darling Basin Commission, the Condamine River Basin Irrigators Association and the Department of Natural Resources. That study is looking at making the very best use of the available water supply, looking at the strata of underground water that is available, the reliability of that supply, what is happening to the depth of the bores, what is happening to the overland flow that comes across the Condamine Plain and is collected and pumped into the ring tanks and how that water can be used as efficiently as possible by the farmers. We already have some of the most efficient farming systems on the Darling Downs and in the Lockyer currently, with farms laser levelled so that all surplus tail water is collected and recycled into the ring tank to be used again. The most efficient systems involve using water probes, measuring the amount of water and timing the water programming so it is used to its absolute best advantage.

The other study that the Darling Downs Vision 2000 is involved in is a study funded by the previous Minister for Natural Resources, Mr Lawrence Springborg, who provided funding

for a study examining the prospects of new water. We are very pleased to see that that study is continuing to receive the support of Honourable Minister Welford. That report is expected to be completed by some time in February or March next year. That report examines the options for new water, particularly for the downs and the Lockyer area. In the past, options have been suggested, such as the Clarence River system option. It had been suggested that some 2% to 4% of the floodwater of the upper Clarence be diverted through a 30-kilometre tunnel to dam systems on the New South Wales/Queensland border to augment the Condamine flow. Other aspects have been considered, such as the fact that currently the Wivenhoe Dam has considerable surplus of water that will not be required for many years. In the interim, that water could be pumped by a simple pipeline to Atkinson Dam to provide water to the area of the Lockyer Valley that needs water desperately.

The proposal arousing most interest is the proposal to pump surplus treated sewage water from Luggage Point in Brisbane and from other outlets in the greater Brisbane and south-east Queensland area through the Lockyer Valley and over the range to the Darling Downs. That water will be an enormous problem in the future for south-east Queensland, with its rapidly growing population. It is estimated by Vision 2000 that some 150,000 to 160,000 megalitres of water are pumped into Moreton Bay annually. That is having an effect on the seagrass in the bay and holds serious environmental concerns for the future. According to the Minister's press release, all councils in south-east Queensland are facing the immediate upgrade of sewerage plants in the order of \$130m in the next three years and more thereafter. They are also considering an upgrade of the waterway systems of south-east Queensland, which will cost something in the order of \$2 billion. There is a huge problem and a need to take that water and put it somewhere where it is required. That water is needed in the Lockyer; it is needed on the Darling Downs. That water is not wanted in Moreton Bay and it is not wanted in many of the systems of discharge in the south-east corner of Queensland. It makes enormous sense to consider proposals to pipe that water to the Darling Downs and the Lockyer.

That is really an engineering proposal that could be described as a very mini Snowy Mountains Scheme. There are pipelines now across the length and breadth of Queensland. There are gas pipelines from the south west of

the State to the north-west, which are thousands of kilometres long. There are water pipelines in central Queensland that are associated with the mining projects. Recently a water pipeline was constructed by the coalition Government from the Wivenhoe Dam to Tarong over the medium-height range that intersected that pipeline. The Toowoomba City Council, which is servicing a city some 2,000 feet above sea level on top of the Great Dividing Range, lifts the water for Toowoomba and some of the surrounding shires 400 metres from the Cressbrook Dam to the top of the Great Dividing Range and then pumps it along that range to Mount Lofty on the northern side of Toowoomba. The proposal is an engineering exercise that is readily achievable, with equivalent projects already in place throughout the rest of the State. Adequate corridors are available to bring the water supply to the Lockyer and the Darling Downs. Existing service corridors could be used or a pipeline made of the special polypipe that is manufactured for this sort of use could be laid in the centre of the river so it would settle into the mud and silt at the bottom of the river until it exited that area and followed service lines to the Lockyer and the Darling Downs.

Everybody would benefit from that project. I call on the Minister for State Development to have his department, which has been charged with that sort of major project through its project development and facilitation unit and its infrastructure unit—which has been brought across from the Co-ordinator General's office—to look seriously at providing further support to this proposal. It is a win-win situation for south-east Queensland, for the Lockyer and for the Darling Downs. It has the potential to provide immediately over 1,000 jobs. 100,000 megalitres of additional water will provide over 1,000 additional on-farm jobs. In addition, it would provide the transport, export, light engineering and manufacturing jobs that go with production such as that. It will bring certainty to contracts, so that farmers could secure overseas contracts for their produce. It would bring about jobs and economic growth. The 100,000 megalitres of extra water on the downs would also provide another \$400m of additional economic growth and development for that region above \$100m of direct farm income increase.

I call on this Government for some action. We are prepared to work on this very important issue in a bipartisan way with local government and with the State Government through the current Minister for Natural Resources and through the Minister for State Development.

This is a very exciting proposal. It is logical and practical. It would be a win for south-east Queensland, the Lockyer and the Darling Downs. Most importantly, it would secure well over 1,000 jobs. It would increase our exports. That exciting proposal sits right before our eyes, right under our windowsills, just waiting for some action and drive to make it happen. I strongly recommend, particularly to the Minister for State Development, that that department gets involved with the project to make it a reality.

Australian Medical Association; Dr M. Scott-Young

Mr MICKEL (Logan—ALP) (11.40 a.m.): I rise to speak in this Matters of Public Interest debate in relation to the attack on our public health system. Four months into a new Labor Government and already the AMA, the "painters and doctor's union", is putting the politics back into the health debate. It is time to take politics out of health and place the focus where it belongs: back on the patients. For two years under the coalition Government, the current AMA leadership has lain doggo, but now that there is a Labor Government back in town it has come out of its self-induced coma. The reason for that, and the reason that it has always ever been, is that Labor is committed to restoring and enhancing the public hospital system.

The Goss Labor Government started the \$1.5 billion Hospital Rebuilding Program, because for decades under previous coalition Governments the public hospital system had been neglected. Because the AMA had a cosy relationship with the Liberal Party—in fact, it controlled most of the preselections—they let public hospitals deteriorate. Of course, the AMA wants people in private hospitals because that is where its leadership makes its money. I remember that, when the Premier was the Health Minister, the Gold Coast AMA leadership was always thumbing through the coalition campaign manual looking for new ways in which to attack the Labor Government's health funding on the Gold Coast. Yet when the coalition came to office and a Dr Charles Denaro at the Gold Coast Hospital raised some concerns about that hospital, what happened? Dr Denaro was moved out of that hospital! The AMA was silent while that action took place.

It is time to consider a few facts in relation to the Gold Coast Hospital. Under my friend "Headlines" Horan, the previous coalition Government allocated simply \$750,000.

Mr HORAN: I rise to a point of order. I find the comments that Dr Denaro was moved objectionable and offensive and I ask them to be taken back. Any move by Dr Denaro was done of his own accord.

Mr DEPUTY SPEAKER: There is no point of order.

Mr HORAN: I found offensive the insinuation that the doctor was forcibly removed.

An honourable member: By whom?

Mr HORAN: By the previous coalition Government.

Mr DEPUTY SPEAKER: It is still not a point of order. Unless it is personally offensive to you and you are named, you cannot take exception to it.

Mr MICKEL: The fact of the matter is that, after Dr Denaro raised those concerns, he was no longer at that hospital. If that causes some sensitivity to the honourable gentleman, so be it. That is where the cards lie. Dr Denaro raised the concerns and almost a month later Dr Denaro was not there. That is the fact of the matter.

The other fact of the matter is that under the coalition Government that hospital received only \$750,000 for activity growth. On top of that, the old health tax that the member for Toowoomba South was going to bring in was going to tear money out of the recurrent funding for the Gold Coast Hospital along with the funding for all the other hospitals that were being rebuilt. That tax would have torn money out of funding for doctors and nurses. What did the AMA say about that? Absolutely nothing! They were lying doggo the whole time. That was typical of the AMA.

In the 1998-99 Labor Budget—the one just brought down—the Gold Coast Hospital received more than \$136.8m, and there is extra money still to be allocated for specific programs there such as the HIV and AIDS programs. But even without this extra money, that is a record allocation for the Gold Coast Hospital. It is almost \$6.2m more for new and enhanced services than was allocated under the previous coalition Government, which had five members representing the Gold Coast, including the Premier, and yet—

A Government member: And nothing for them.

Mr MICKEL: Nothing for them. This Government has one member, who is a Minister, representing the Gold Coast, and she has delivered extra funds for the Gold Coast

Hospital. Those extra funds include \$2.5m for activity growth.

Let me advise the House that, in the first four months of this financial year, there has been a 14.8% increase in elective surgery compared with the same time last year. Under Labor, elective surgery procedures have increased. Those people who had been suffering under the coalition Government are now receiving first-class medical treatment at the Gold Coast Hospital because, despite the enormous problems and the unfunded promises that were the legacy of the coalition Government, the Beattie Labor Government has increased funding for the Gold Coast Hospital.

The AMA leadership on the Gold Coast has behaved in a most disgraceful way in its attacks on the current Government. Every other interest group has acknowledged that the recent Labor Budget was essentially the same as the coalition's last Budget. As we know, in many instances it was better. On Budget day, every group acknowledged that except the AMA. The most self-serving of them all has been Dr Matthew Scott-Young. He is a locum orthopaedic consultant who resigned on 28 October, effective immediately. He claimed that his reasons for his resignation were multifactorial. I am sure that none of the reasons would have been good enough for the 11 patients, who between 5 November and 3 December were booked in for surgery by him, and whom he has let down. When Dr Scott-Young resigned, effective immediately, all of those operations had to be cancelled.

Members could imagine the inconvenience and mental anguish that those 11 people and their families suffered after being told that their operations had been cancelled. Those people are like those in my electorate who are facing surgery. They are forced to take time off work, they are away from their businesses, and they must make arrangements for the care of their children. In other words, a whole series of lives are affected by surgery. However, I commend the staff of the Gold Coast Hospital who, in relation to this matter, are currently rescheduling all of their operations.

As for Dr Scott-Young, I say that this is the kind of schoolboy stuff we get when a yuppie is shoehorned into the AMA. I will tell the House about Dr Scott-Young. His petulant and arrogant resignation followed formal requests from the medical superintendent on 30 July and 21 October this year in which Dr

Scott-Young was asked to respond to allegations raised by patients, clients and staff. I understand that one of those claims, the alleged assault of a patient, is currently before the Health Rights Commission. Dr Scott-Young is also accused of aggressively and inappropriately harassing a patient, who was in a shower, over the patient's complaint about the cancellation of surgery. It is alleged that the doctor intimidated a patient's relative in contacting her by telephone to reprimand her for complaining about some aspect of care for a family member. Furthermore, staff complaints about Dr Scott-Young's bullying behaviour in theatre has meant that nursing management has had difficulty rostering a full complement of theatre staff for Dr Scott-Young's lists. Having blaggarded the hospital and the Government, Dr Scott-Young owes a full explanation to the public for his behaviour.

The Gold Coast Hospital is a good hospital. In fact, it is a great hospital, and we are proud of it. It has problems, but the current Health Minister is working on ways to resolve them. The AMA leadership should be looking at ways in which we can work through this together. I challenge the AMA leadership to put their coalition preselection tickets back in their pockets and work with the Government for the good of the community.

As a Government, we deal with many groups that are not of our political persuasion, and we do so in a mature and cooperative fashion. Surely to goodness we do not need to return to the shroud-waving exercises in which the AMA leadership indulged during the early 1990s. The health debate has moved on and the AMA leadership should move on with it. Just because the coalition Government gave the AMA \$12,000 to run a meeting does not mean that it has to be forever in the coalition's pocket. It is time that the AMA leadership understood that there are a lot of decent doctors out there in the public health system who work day in and day out and that they do not need to engage in a political exercise against an incoming Labor Government—a Government that has put more funding into hospitals such as the Gold Coast Hospital, a Government that is trying to rectify the decades of neglect that it inherited in 1989 and a Government that started the \$1.5 billion Hospital Building Program which, I might say, started Stage 4 of the Logan Hospital. There are dedicated doctors at the Gold Coast Hospital. They do not need the AMA's leadership.

Time expired.

Mr C. Rappolt

Mr FELDMAN (Caboolture—ONP) (Leader of the One Nation Party) (11.50 a.m.): Much has been written about the reasons for the departure from State Parliament of Charles Rappolt. Obviously there are many pressures in politics and even Charles himself admits that, in retrospect, he probably lacks the thick hide necessary to cope with the rigours involved. However, there is no doubt that media pressure was the final straw.

The viciousness of the ongoing attacks on One Nation has its roots in media self-interest. One Nation opposes the foreign domination of the Australian media and the policies that allow multinational companies to extract enormous profits from Australia while paying little or no tax. Therefore, certain sections of the media and other political parties are diametrically opposed to One Nation's policies and philosophies. Some sections of the multinational media have used their editorial columns, for example, to threaten, cajole and plead with their readers not to vote for One Nation. Such blatant bias, along with flagrant disregard of their obligations to provide balanced reporting, has become commonplace.

This was never more clearly obvious than during the media campaign against Charles Rappolt and his family, when the Courier-Mail ignored a Supreme Court injunction and published details of a domestic violence order that had almost immediately been withdrawn. There is no doubt as to the motive of the journalist involved in the Rappolt assassination. It was certainly not compassion for Charles' partner, who had quickly withdrawn the order and was anxious to put the matter behind her so that they could get on with their lives. If compassion had been his motive, the journalist would have discharged his obligation to the public to report the matter and would have left the couple in peace. However, with delusions of adequacy and a pathetic penchant for sensation seeking, he pursued the matter with an obsessive fervour that resulted in much anguish not only for Charles but also for Sandra and the family as well.

Such was the ferocity of this campaign that, faced with the prospect of losing custody of her own children, Sandra was forced to withdraw from jointly shared accommodation that was financially beneficial to her and her family. That left Charles with the prospect of his 10-year-old son going to live with the lad's grandparents. The total destruction of his family situation struck home to Charles as his son sobbed in his arms and asked, "Why can't

things be like they used to be?" Charles is a quiet and sensitive man who places a very high value on his family life. At that point he realised that politics was perhaps too high a price to pay. Charles took the proper and moral option and chose his family over politics.

Charles has apologised to his electors in Mulgrave for allowing this media campaign to deprive them of their chosen representative. However, his motivation has been honourable throughout. It is an indisputable fact that he did not enter politics for fame or fortune; it was a sincere desire to bring progress to his electorate and accountability back to Government, a concern about declining living standards generally and a fervent wish to support the mining industry with respect to native title that encouraged him to hold up his hand proudly for nomination. Charles' desire to right some of the wrongs that are having such a destructive impact on our society was the driving force that led this very private man into the very public arena of politics.

The media pressure and the stress it has applied, not so much on Charles but more particularly on his family, has forced him out. With the support of over one million Australians, One Nation is tough enough to withstand such an incredible and blatant media bias. Charles Rappolt was tough enough to withstand personal attacks, but when such attacks destroyed his family and domestic situation, his priorities and sense of values decreed that he should move to protect those who are so close to him.

I remind the House that freedom of speech is one of the most basic and valuable tenets of society and it must be preserved at all costs. However, with this right comes an equally important responsibility, which is to respect that right and, particularly in the case of the media, to ensure that reporting is factual and balanced. The media has enormous power; no-one can dispute that. One can only hope that the media decision makers have the moral fibre not to use that power in a manipulative manner. As journalists decide on ethical conduct, they should remember the old adage: the ethics they choose to live by in this world are not necessarily those that they themselves will be judged by in the next. If journalists stuck to a debate on the policy rather than the person, there would be little complaint.

In closing, before there is any further speculation, I inform the House that the absence of the honourable member for Barambah is due to a traffic incident that occurred outside Kilcoy some weeks ago. The

member will again be present in this House when she recovers from her injuries.

Unemployment

Mr BRISKEY (Cleveland—ALP) (11.56 a.m.): I rise today to speak on the most serious economic and social issue facing the nation and the State: unemployment. Creating long-term and sustainable jobs is the Beattie Labor Government's highest priority. This Government was elected on a commitment to job security and job creation. Just over one month ago, the Government brought down a Budget that has at its heart significant funding for labour market programs and job-creating capital works projects.

Reducing unemployment has proved a very difficult task. The Australian economy has experienced seven consecutive years of growth, but this growth has failed to reduce the unemployment rate below 8%. Employment growth has been insufficient and has failed to make an impact on the level of structural unemployment. A rate of 8% unemployment has become the accepted and what commentators like to call the "natural" rate of unemployment. It is argued that a further reduction in unemployment levels beyond this natural rate will engender inflationary pressures.

Since the Howard Government came to office and gutted the Keating Government's Working Nation initiatives, there has been no real concerted effort by Governments to tackle unemployment. In fact, during the recent election campaign, the Federal Treasurer admitted that employment growth had plateaued. Just last week the new Federal Employment Minister, Mr Abbott, admitted what the Federal Treasurer and the Prime Minister refused to admit during the election campaign, that is, that the GST will not fix unemployment. Therefore, they have no plan whatsoever.

The coalition Government's approach to the challenge of reducing persistently high unemployment levels has not been to set targets or goals for creating jobs, but rather to redefine unemployment as a private problem. In the absence of positive labour market programs, the Federal Government has opted to place responsibility for unemployment on the individual, stigmatising the unemployed as dole bludgers and instigating work for the dole schemes that do not include training and that totally neglect the fact that the jobs are just not there. Yesterday's announcement of the decision to scrap 5,000 jobs from Centrelink only compounds the problem further by

creating more unemployed and stripping those already unemployed of support or assistance in finding work. In the full knowledge that long-term unemployment robs people of their work skills, their confidence and their motivation, while also putting them at risk of poverty and ill health, coalition politicians have done nothing and continue to do nothing to solve the problem. They have accepted an above 8% unemployment rate as natural.

As a community, are we prepared to accept the consequences of the conservatives' approach? Do we accept that we will forever be plagued with an 8% to 9% unemployment rate? Are we prepared to accept the social consequences of locking large numbers of people, often young people, out of paid work, or do we believe that Governments have an obligation to provide an adequate range of opportunities for individuals to participate in working life?

High unemployment is not a private problem, it is a public policy problem, and it demands that Governments put in place the right policies to tackle the problem. If we believe we must and should reduce the rate, there is only one answer: set the target and get to work implementing both macro and micro-level policies aimed at creating jobs. Targets send signals that we are serious about creating jobs and reducing unemployment. It makes policy makers and legislators put all of their resources and brain power into finding ways to reduce unemployment below 8% while not fuelling inflationary pressures.

Although it is recognised that the Commonwealth Government holds the primary responsibility for addressing employment related issues, State Governments can play an important role, and the Beattie Labor Government has committed itself to reducing unemployment in Queensland. This Government is implementing programs that offer the long-term unemployed new skills, work experience and support. For example, the Government's \$282m Breaking the Unemployment Cycle initiative is a targeted labour market program which represents the Beattie Government's commitment to doing more than just hoping that economic growth will lead to a reduction in the unemployment level.

This Labor initiative also acknowledges that structural economic change has led to a collapse in the under 21-year-old labour market. Many entry level full-time jobs have been lost and, consequently, young people are having increasing difficulties finding jobs. Through this program, the most

disadvantaged in the labour market, the young unemployed, will be given hands-on experience and a chance to enter the work force—perhaps for the first time, in many cases. Breaking the Unemployment Cycle aims to create 24,500 jobs over the next four years.

In addition to the Breaking the Unemployment Cycle initiative, a \$5.4m Industry Training Fund for the building and construction industry is to be established to employ an estimated 800 to 1,000 additional apprentices a year, which will help to ease skill shortages in the industry. These labour market initiatives are supported by the Government's record public works and infrastructure projects, which are intended directly to raise employment and to increase growth through the positive external effects of public investment on private sector output.

The Capital Works Program in Labor's 1998-99 Budget will provide more than 65,000 jobs, including 17,800 new jobs and ongoing employment for another 47,800 workers. The Capital Works Program provides communities with essential infrastructure while also enabling the creation of jobs and the provision of on-the-job training in the highly important building and construction industry. The Government understands that unemployment creates hardships not only for unemployed people but also for their families, friends and the wider community.

The reintroduction of the Community Renewal Program, which provides \$15m for a full year to revitalise communities hard hit by high unemployment, is further evidence of this Government's commitment to create jobs and support communities. Communities to be supported include Waterford, Eagleby, Beenleigh, Leichhardt, Garbutt, Manoora and Inala.

The Beattie Labor Government believes that Governments have an obligation to create the jobs that are so desperately needed to reduce unemployment. This is a stark contrast to the previous Borbidge Government, which had no employment plan. It did not even have an employment department and it refused to set targets or goals for creating jobs. Let us not forget that the Budget that members opposite planned to pass—the May Budget—did not include a \$283m Breaking the Unemployment Cycle initiative, to name just one of this Government's employment initiatives.

The figures speak for themselves. Job creation, as recorded by the trend employment growth figure, slowed to a snail's pace under

the Borbidge Government. In 1995, the last year of the Goss Government, 87,800 jobs were created compared with only 18,100 jobs created in the first year of the Borbidge Government. As I said, the figures speak for themselves. Only Labor State Governments create jobs at the rates needed to reduce unemployment.

Governments must be active, and innovative solutions must be found, because the social and economic costs of accepting an above 8% unemployment rate as natural are too high to just leave the employment options—or lack of employment options—for over 147,500 unemployed Queenslanders to market forces. As I said in my opening remarks, unemployment is the most serious issue facing this State and nation, and the Beattie Government, unlike its predecessor, is serious about tackling it.

Leckie Road Transport Connection; City/Valley Bypass

Mr SANTORO (Clayfield—LP)

(12.05 p.m.): Today I wish to raise in this contribution a series of transport matters which show the indifference, indeed the contempt, of the Beattie minority Labor Government for the wishes and the views of north side residents and in particular residents within my electorate of Clayfield. It is a level of contempt that surpasses even that demonstrated by the former Goss Labor Government—a level of contempt for the wishes of the people which eventually saw that Government swept out of power, with transport issues playing a very major and contributing role in that historic political turnaround.

During recent months the Beattie minority Labor Government has made transport infrastructure decisions, or has been involved in the making of such decisions, that will fundamentally affect the residential, social and commercial amenity of entire suburbs on the north side of Brisbane. During this decision-making process, the Minister for Transport and his Government have demonstrated an almost absolute disregard for the views of my constituents, for the history of the issues in question and for me, as the local State representative. The issues about which I am speaking are the issues of the Leckie Road transportation connection and the City/Valley bypass, and it is to each of these that I now wish to refer in turn.

Last night I convened a public meeting at the Shaw Sports sporting complex on Shaw Road, Kalinga. The purpose of the meeting was to gauge public reaction to the State

Government's recent decision not to proceed with the sale of the Leckie Road transportation connection. Honourable members will recall that the previous coalition Government made a decision to honour the 1995 pre-election commitment to sell off this transportation corridor and thus remove the threat of a major road being constructed through prime residential suburbs on the north side of Brisbane, including Woolloowin, Kalinga, Eagle Junction, parts of Clayfield, parts of Lutwyche and parts of Kedron.

The decision to sell off the properties in March of this year saw house and property values in the above suburbs increase and also provided local residents and retailers with the confidence to build on or renovate their properties—in most cases their family homes. Four of the approximately 60 Government-owned properties were placed on the market. That number was deliberately small because of the detrimental impact that the sudden sale of a larger number of properties would have had on local property and house values.

The properties put on sale were located at 78 Park Road, Woolloowin; 49 Fifth Avenue, Kedron; 18 Arnott Street, Kedron; and 56 Gorman Street, Kalinga. This action clearly demonstrated the previous coalition Government's decision to honour its 1995 pre-election commitment to sell off the Leckie Road connection. The commitment was negated by the new Labor Minister for Transport and Minister for Main Roads, Mr Bredhauer, when he told the Estimates committee looking into his department on 1 October that—

"The Leckie Road corridor is an important issue. We have no intention to proceed. A number of properties were indicated for sale ... and bids were made on those properties. I was subsequently approached by the Minister for Public Works and Housing, who indicated to me that he had a need for some public housing, emergency housing, etc. in that area—I am not exactly sure what the needs were. He asked us if we were able to identify three or four properties in that area that we might be able to make available for public housing purposes.

In the process, essentially we have got the best of both worlds, in my view. Those properties will continue to be used for residential purposes, which is an indication that we do not intend to proceed with the east-west corridor, the airport motorway corridor."

That reassurance by the Minister is worth nothing to my constituents, because as long as the properties on the earlier mentioned corridor remain in Government possession the ability and willingness of any future Government to build a major road through north side suburbs will be ever tempting. Those who attended last night's meeting recognised this and overwhelmingly supported the following motion—

"That this public meeting

- (1) expresses its opposition to the construction of the East-west Leckie Road Transportation connection;
- (2) requests the State Government to honour the commitment of the previous Coalition Government to sell the Government-owned properties and to resume the process of sale initiated by the previous Government; and
- (3) that the proceeds of the sale of the properties along the Leckie Road transportation connection be utilised by the State Government for public housing purposes."

It is important to note that there was very strong support for public housing by the people who attended that meeting. Of course, I supported that disposition that the proceeds should go into funding public housing initiatives. The Minister for Transport and Minister for Main Roads should take careful note of the sentiments expressed in this motion moved at a public meeting and its resolution. They represent the first step in the community's renewed determination to protect its interests and regain peace of mind when it comes to the threat of major roads being constructed through its residential suburbs. I thank the many local residents who attended the meeting last night for their overwhelming support for a cause which I believe is deserving of much support. The Minister will be well advised to listen to the views of my constituents. He will be hearing a lot more from them and, of course, from me.

I now wish to turn briefly to another major transport issue which is very controversial on the north side of Brisbane, this being the plan by the Brisbane City Council to build the City/Valley bypass. Today the Labor Brisbane City Council administration will formally decide to approve the planning and construction of the City/Valley bypass. As I have stated in this place previously, this decision is being made without any real and meaningful consultation or involvement of the majority of people within my electorate and surrounding suburbs who

will be affected by the construction of this major piece of transport infrastructure.

The majority of my constituents believe that the problems associated with heavy traffic through the city and the Valley need to be addressed. However, they will not cop the construction of a major and efficient bypass which will end on Kingsford Smith Drive and will dump many thousands more cars onto this road and through the suburban residential streets which feed onto Kingsford Smith Drive from Cooksley Street to the Gateway TAFE College.

The people who live in this residential precinct have not been consulted by either the Brisbane City Council administration or its specialist consultants. They were not asked to be involved in the environmental impact study or, indeed, provided with information in relation to this project from day one. It has only been through the efforts of the extremely hardworking local action committees, Councillor Graham Clay and me that over 2,500 affected residents have been informed of the plans of the Brisbane City Council and its silent accomplice, the State Government.

I refer to the State Government as an accomplice because this project simply cannot get off the ground unless it has overwhelming State Government support. Previously in this place, I have mentioned why this is so, including at least three Transport portfolio approvals required covering the impacts of the bypass on State-controlled roads and public transportations in railways. I therefore found it surprising that, when I finally received a reply to my representations to the Minister for Transport and Minister for Main Roads—a reply that took at least two months to come—the Minister said that essentially the City/Valley bypass is a project of the Brisbane City Council and I should refer to it for a briefing on the matter.

This simply is not true and, to prove this point, I wish to quote from a letter from the Lord Mayor, Jim Soorley, to the PCA in response to the latter's 1998 Brisbane City Council budget submission. In relation to the City/Valley bypass, he says—

"State Government support for this major strategic project is essential. The success of the Queensland Government's Briztram proposal is also dependant on the implementation of this project."

In relation to the \$65m in capital works funding to be provided as part of the Government's extensive capital works commitment to recapitalise the transport infrastructure of Queensland, the Lord Mayor said—

"State Government direct or debt funding support for this project is also essential."

In relation to transport systems—public and private—being fully integrated as part of a coordinated transport strategy for the inner-city precinct, again the Lord Mayor went on to suggest that very strong State Government support was necessary.

That particular piece of correspondence plus much other information contained within freedom of information articles that I have received indicate clearly that the Minister for Transport and Minister for Main Roads is obviously misleading me and, through me, the people whom I seek to represent with as much effectiveness as I possibly can. The role of the State Government is essential in terms of putting that bypass through. As I said, my constituents are prepared to consider transport and road infrastructure options, but they need to be treated with respect and courtesy and they need to be consulted. I have written back to the Minister suggesting that his response is totally unsatisfactory and also misleading. I again reminded him that this is an issue that very significantly affects my electorate. It is an issue that cannot be progressed by the Brisbane City Council without very substantial technical and financial assistance from this Government.

Any attempt by the Minister or the Government to pass the buck to the Brisbane City Council is simply not acceptable to me or to my constituents. As I have warned the Minister previously in this place, it is my intention to lead a series of protests, action committees and movements on the north side of Brisbane and to make it very, very uncomfortable for the Government as it seeks to build roads at any cost and, in particular, without consulting my constituents.

I again say to the Minister that it is important that he treats electors, irrespective of which electorate they live in, with courtesy and decency. People like me need not wait for two months to receive a reply from the Minister. I remember that, when I was in the position of the Minister, I had a rule that we replied within three weeks comprehensively and in as satisfactory a manner as possible to representations that members opposite—and many of them are now Ministers—made to me on behalf of their constituents. We should not play politics. The consultation should be quick, prompt and efficient. Unless that situation is redressed, this Government will be seen as what it is already demonstrating itself to be and that is uncaring and unconcerned about the wishes of ordinary people.

I make the prediction in this place that eventually it will go the same way as Wayne Goss and his Labor Government went in 1995. Let us not forget that it was transport issues that put many nails in that coffin which eventually led to that Government's electoral demise. I implore the Minister to be constructive, to depoliticise this issue and to engage my electorate and the north side of Brisbane in meaningful consultations.

Time expired.

Literacy and Numeracy in Schools

Mr FENLON (Greenslopes—ALP) (12.15 p.m.): I rise to address certain issues arising from the report to the Minister for Education, the Honourable Dean Wells, on the Statewide performance of students in aspects of literacy and numeracy in Queensland in 1995, 1996 and 1997. In doing so, I also applaud the Minister's massive funding boost aimed at literacy which will see Queensland schools receive a \$28m funding package, primarily for teacher aides. Indeed, this is what teachers really want out there; they want help, not further testing. I know that testing has a role in terms of finetuning the resource allocation decisions in relation to each school, but this is exactly what teachers, parents and school communities in general have been calling for—help directly in solving the problems. This sort of help with teacher aides is really hitting the nail on the head.

First, a number of issues raised in the report deserve particular comment. In 1997 test results of Year 6 aspects of literacy show that in reading and viewing as well as writing, the performance of boys is markedly below the performance of girls. Similarly, the performance of ATSI students is markedly below the whole cohort. Rural students are below, to a large extent, the performance of the whole cohort in reading and viewing and are markedly below the performance of the whole cohort in the area of writing. As a result of these findings, a research study into identifying alternative and authentic pathways for developing greater competency in literacy and numeracy skills for the student groups identified as at risk will take place in 1999. The outcomes of this research will inform syllabus and source book development.

The report tabled by the Minister reflects the changing face of literacy demands and concerns in society in general. It is not too broad a statement to declare that literacy demands go to the heart of how we view ourselves—as citizens, as men, as women—for literacy is, in fact, an issue for the

individual as well as the whole of society. It is something that pertains to our being, to our very gender. While Governments can do a certain amount, according to the experts in literacy, much also rests with the family and the home, and indeed much of this rests in those very vital years before school begins.

In response to the Australian situation, the Australian committee for the International Year of Literacy in 1990 formulated a definition of active literacy. It says—

"Literacy involves the integration of listening, speaking, reading, writing and critical thinking; it incorporates numeracy. It includes the cultural knowledge which enables a speaker, writer or reader to organise or use language appropriate to different social situations. For an advanced technological society such as Australia, the goal is an active literacy which allows people to enhance their capacity to think, create and question, in order to participate effectively in society."

It used to be the case that as long as people had enough literacy to function at the level of society in which they operated then that would be satisfactory. In 1998, with issues surrounding rapid changes in the workplace, greater competition for jobs, multiskilling and the expectation that a person will change jobs an average of seven times in their working lives, the role and importance of literacy skills cannot be underestimated.

No longer do we have a situation, as in my father's day, where a boy or girl could leave school at the age of 12 or 13, after finishing the Scholarship year, walk into a factory or an apprenticeship—or, as in my father's case, the Lakes Creek meatworks in Rockhampton—and remain in that job, often never needing to pick up a pen or a book, for the rest of his or her working life. Young people are staying at school because they now have no choice. Employers and society at large are demanding more diverse literacy, more efficient communication and more flexibility and adaptation in the workplace.

I now turn to the factors marshalled against the possibility of widespread literacy improvement in our schools. First, one of the most reliable indicators of a child's literacy success has been the education level of the mother. This is the greatest single correlate with the literacy level of children. In the early years, when attitudes and performances are being formed, the mother's interaction with the child can shape a lifelong love of learning, books and writing. This is not to say that men should not become involved in the early role

modelling of literacy habits; however, this statistic reveals that in our so-called advanced technological society women are still the primary care givers, resulting in this sort of correlation.

The message from this is that dads should get out there and read to their kids. Dads have a much more important role in this process of reading to kids than we ever considered. More importantly, kids have to see dads read to their kids, and particularly to boys. It is about time the Wally Lewises and the Alfie Langers dropped the footballs for a while and took the book out onto the field. It is about time more prominent people, role models in our society, took a greater role in showing that they love books, that they love reading and that they do read to their kids.

I am very happy to reveal the book I am currently reading to my daughter at bedtime. I think I am enjoying it more than she is. It is *Finn the Wolfhound*, published in 1908 by A. J. Dawson. It is a wonderful book which certainly indicates the great wealth of children's literature that is out there. It shows that parents can enjoy a good read with their kids and simply enjoy the wonderful richness of children's literature. Not only is children's literature developing in a wonderful way; if we look hard enough we can see that there is a wonderful wealth of historical material written for kids. People can really enjoy it.

This leads me to the next factor which seems to be acting against boys' success in particular in the area of literacy in schools. Our images of masculinity in 1998 apparently do not include for many boys the desirability of reading, writing, listening and speaking for the purpose of creative thinking. Rob Gilbert, Associate Professor of Education at James Cook University in Townsville, says that it is not because of insufficient funding during the early primary years. At the moment, the dominant image boys think they have to conform to to be male contradicts what the schools offer.

In his recently published book *Masculinity Goes to School*, written jointly with Pam Gilbert, also an Associate Professor in Education, the topic of masculinity is considered. The Gilberts maintain that the heroic tradition associated with men and boys puts enormous pressure on boys to be special, leaders, courageous and so on. Even our top-level sportsmen are reporting that fear of failure or of losing a match is superseding their enjoyment of the game.

Academic success is seen by many boys these days as something which only nerds do, because so many girls are now overtaking the

boys, even in the subject areas that are and have been traditionally male. One has to spend only five minutes in any school playground to hear the derisive epithet "you're just a girl" delivered by boys to other boys. Gilbert's research shows that many boys associate being good at school and academically bright with being quiet and unsociable and with "being a girl". This trickle-down effect continues into career choices. Men do not go into teaching—especially preschool or primary teaching. Therefore, role models of men valuing education and transmitting cultural knowledge are largely absent in the early school years.

In a section "Responses to findings", the report notes that the effects of socioeconomic background of students and schools had not yet been reported upon. School authorities are attempting to establish a common index for collection of data that would allow valid reporting on the effects of socioeconomic background on students' performance. This collaborative effort is progressing.

When considering ways of solving the problems isolated in the report, it is interesting to consider the Belgian Government's decision in the early 1990s to increase teachers' salary levels. Indeed, this resulted in a very major injection of males into the system. Another solution, according to the Gilberts, is to make masculinity and gender issues part of the school curriculum in the way sex education has been incorporated as a normal part of education today. This may indeed be a way of breaking down the stereotype of the so-called heroic male. It is necessary for society at large to accept and act upon the notion that men can be nurturers and carers, just as women can be leaders and heroes, and indeed to take up that very important matter of males being a model for these sorts of learning activities. The UK Government, in grappling with a similar situation in its schools, embarked in 1997 on a huge advertising program for literacy skills aimed at boys.

Time expired.

Disability Services

Mr TURNER (Thuringowa—ONP) (12.26 p.m.): The Disability Act of 1992 aimed at facilitating community access for people with a disability. While most of the sections in this Act have gone a long way to improve the quality of life for the disabled, there are sections of this Act that are no longer workable. The Disability Act of 1992 is a six-year-old Act and, along with our subsidy scheme, is ready for review and update.

With the constant research and development and with the inventions being produced today, the mobility aids and equipment that are now available to people with a disability have made areas of the Disability Act outdated and redundant. The word "disabled" should never be linked with the word "incapable", yet certain sections of the 1992 Disability Act have rendered many of our people with a disability incapable of fulfilling their ambitions to better themselves and their lifestyles—an ambition that the abled take for granted.

Our subsidy scheme and rules governing eligibility for assistance are other areas which need to be addressed and changed to accommodate the growing number of people with a disability who are now able to enter the work force and community activities with the use of electronic wheelchairs and scooters. A wheelchair or scooter is as necessary for the physically disabled as a pair of shoes is for you or me, but the price of any motorised conveyance for the disabled is so outrageously expensive that no person on a disability pension could ever afford to purchase one without Government assistance and subsidy.

Our subsidy scheme restricts the use of electronic scooters to home use. This restriction has left many people with a disability with limited access to the community. People who have restricted use of legs, arms and hands but who are capable of moving around their homes with the use of crutches and wheelchairs currently do not qualify for subsidy of electronic conveyances. An electronic scooter manufactured for use by the disabled has been specifically designed for outdoor use. It is able to travel comfortably and smoothly on most outdoor surfaces and has an ability to climb hills and kerbs with safety, yet under our current subsidy scheme this machine is restricted to mostly home use. The opportunity of a person with a disability wishing to integrate into the community with the use of an electronic scooter is lost because of the inability to purchase such an expensive item.

There is very little difference in construction between an electronic scooter and a ride-on mower, yet the price of an electronic scooter is almost twice the price of a ride-on mower. And with a bit of luck, when you buy a ride-on mower you can get a whipper-snipper thrown in for free. One of the reasons for the very high price of medical aids is that the standard for the manufacture of this equipment in Australia is too low. A lot of the medical aids made in Australia are, to quote the users of these aids, "pieces of junk". Therefore, people with a disability are forced to

buy quality products from overseas and then dismantle and rebuild them to specific needs. We have the materials and the expertise to manufacture top-quality mechanical aids here in Queensland. We only need to raise the standards to ensure that people with a disability who rely on these medical aids for mobility can do so with confidence and safety.

Not only do these people suffer a crippling disability; our laws and subsidy scheme are crippling their ability to participate in community activities. I am not talking about a couple of people or even a few but about many people with a disability who wish to go back into the work force as a paid worker or a volunteer to contribute their knowledge, their experience, their capabilities and their skills for the betterment of themselves and the community. I therefore suggest that the Minister review the subsidy for electronic wheelchairs and scooters immediately. Let us get these citizens back into the community as soon as possible.

TRADING (ALLOWABLE HOURS) AMENDMENT BILL

Hon. P. J. BRADDY (Kedron—ALP)
(Minister for Employment, Training and Industrial Relations) (12.30 p.m.), by leave,
without notice: I move—

"That leave be granted to bring in a
Bill for an Act to amend the Trading
(Allowable Hours) Act 1990."

Motion agreed to.

First Reading

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

Second Reading

Hon. P. J. BRADDY (Kedron—ALP)
(Minister for Employment, Training and
Industrial Relations) (12.31 p.m.): I move—

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

It is with great pleasure that I introduce to the House this amendment to the Trading (Allowable Hours) Act 1990. The objective of the amendment Bill is to amend the Trading (Allowable Hours) Act 1990 in relation to shops covered by the order Trading Hours—Non-Exempt Shops Trading by Retail—State to permit all shops to trade on Monday, 28 December 1998, and prescribe the closure of shops, except in certain designated tourist areas, on Saturday, 26 December 1998. The order is made by the Queensland Industrial

Relations Commission under its power vested in it by the Act.

The necessity for these amendments comes about because of a November 1997 decision by the former Government to declare Monday, 28 December 1998 as a public holiday in substitution for Boxing Day, which falls on Saturday, 26 December 1998. The decision is not without precedent, as similar substituted Boxing Day public holidays were declared in 1992, 1987 and 1981. Taken in conjunction with the allowable trading hours currently prescribed in the trading hours order made by the commission, this has resulted in a situation where many retailers and their employees would be expected to work on the day after Christmas, forgoing the three-day long weekend they would normally have expected to enjoy.

Recently, I was approached by the Retailers Association of Queensland seeking discussions on these trading hours arrangements. After personal consultation with that association and also with the Queensland Retail Traders and Shopkeepers Association and the Shop Distributive and Allied Employees Association (Union of Employees) Queensland Branch, all parties are in agreement that the amendment Bill now before the Parliament is the best remedy to this situation. I also acknowledge the support for the legislative change offered by the honourable member for Clayfield.

I turn now to an explanation of the effect of specific amendments in the Bill. On Saturday, 26 December 1998, all non-exempt retail shops are to be closed, excluding those in certain designated tourist areas. These areas, as defined in the relevant trading hours order, are: the Brisbane City Heart; Near North Coast; Sunshine Coast; Gold Coast; Cairns Tourist Area; and Tourist and/or Seaside Resorts. On that day, the Brisbane City Heart will be permitted to trade their normal Boxing Day hours, and all other tourist areas will be permitted to trade their normal public holiday hours as prescribed by the relevant trading hours order. On Monday, 28 December 1998, which remains the official public holiday, all non-exempt retail shops will be permitted to open for their normal Monday trading hours.

These amendments will override any other provisions of the legislation or the relevant trading hours order. It should be noted that these amendments are made on the understanding, as agreed by the parties consulted, that—

no employee should be compelled to work on Monday, 28 December 1998—

this is a decision to be made of the employee's own volition; and

all employees working on Monday, 28 December 1998 are to receive the penalty rates that may apply to a public holiday as prescribed by the relevant award or agreement.

I would also like to make it clear that these amendments will only affect those shops covered by the order Trading Hours—Non-Exempt Shops Trading by Retail—State. The trading hours of shops as prescribed in other trading hours orders applying to motor vehicle yards, caravan yards and wholesale establishments will remain unaltered by these amendments.

Similarly, the unrestricted trading hours available to other classes of shops, as defined in the legislation, on 26 December and 28 December 1998 will not be altered by these amendments. The shops to which I refer are—

exempt shops which are classes of shops exempted from trading hours restrictions based on the desirability of their being permitted to open at all times. Exempt shops include chemist shops, bread shops, newsagents, shops selling cooked provisions, etc.; and

independent retail shops which are small shops employing less than 20 persons at any one time or, in the case of an employer operating more than one shop, less than 60 persons at any one time.

This amendment Bill ensures that the majority of retailers and their employees will enjoy an uninterrupted break of three days on 25, 26 and 27 December 1998, falling immediately after the busiest period of the retail industry's year. While it is a short-term solution applicable only to the Christmas/Boxing Day period for 1998, I would encourage the parties interested in this issue to begin consultation on a long-term solution as early as possible in 1999. I commend the Bill to the House.

Debate, on motion of Mr Santoro, adjourned.

SUPREME COURT OF QUEENSLAND ACT AND ANOTHER ACT AMENDMENT BILL

Hon. M. J. FOLEY (Yeronga—ALP)
(Attorney-General and Minister for Justice and Minister for The Arts) (12.36 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Supreme Court of Queensland Act 1991 and the Coroners Act 1958."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (12.37 p.m.): I move—

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

The proposed Bill contains technical amendments to the Coroners Act 1958 and the Supreme Court of Queensland Act 1991 which are directed at curing an unintended transitional consequence and extending the expiry date for all Rules of Court.

Turning to the proposed amendments to the Coroners Act 1958, certain provisions of the Justice Legislation (Miscellaneous Provisions) Act 1996 made a number of amendments to the Cremation Act 1913, transferred the amended provisions into the Coroners Act 1958 and repealed the Cremation Act 1913. These provisions are scheduled to commence on 1 December 1998.

Under the Cremation Act 1913 and the abovementioned amendments, a body cannot be cremated without a permission and certificate to cremate. As from 1 December 1998 the preconditions for issuing a permission and certificate to cremate will change. Unfortunately, the 1996 amendments did not contain a transitional provision to deal with the situation where a person dies before 1 December 1998 but the cremation occurs on or after that date. If this situation is not addressed there will be confusion in the funeral industry in relation to the cremation of people who die before 1 December 1998 but are cremated on or after that date. The Bill seeks to address this issue by providing that in this situation, that is, where somebody dies before 1 December 1998 but the cremation occurs on or after that date, the permission and certificate to cremate can be issued as if the 1996 amendments had not been enacted. The Bill makes it clear that this transitional provision does not prevent the issue of a permission and certificate to cremate in accordance with the amended provisions.

In regard to the amendments to the Supreme Court of Queensland Act 1991, the Bill does contain a provision to extend the expiry date for all civil and criminal Rules of Court—from 31 December 1998 to 30 June 1999. The Civil Justice Reform Act 1998 established a Rules Committee to settle,

among other matters, uniform civil court rules. That Act also provided that the existing civil Rules of Court, including the Supreme Court Rules, will expire on 31 December 1998.

The Rules Committee has advised that the uniform civil court rules will not be ready for approval until at least March 1999. Accordingly, it is proposed to extend the expiry date from 31 December 1998 to 30 June 1999. If the abovementioned expiry date is not deleted and implemented by 31 December 1998, there will be no Rules of Court from 1 January 1999. As mentioned above, the proposed extension of the expiry date for all Rules of Court from 31 December 1998 to 30 June 1999 has been requested by the Chief Justice of the Queensland Supreme Court, chairperson of the Rules Committee. I commend the Bill to the House.

Debate, on motion of Mr Springborg, adjourned.

EXPLOSIVES BILL

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (12.41 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act about explosives, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (12.42 p.m.): I move—

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

The Explosives Bill 1998 is a Bill seeking to replace the existing Explosives Act 1952. As such it represents an amendment to the existing legislation. Because of the extent of proposed amendments, primarily as a result of the need to consider easy-to-read legislation, fundamental legislative principles and current legislative drafting guidelines, it was considered easier to rewrite the legislation rather than attempt to amend it. Having said that, the policies, methodology and controlling

mechanisms of the existing legislation have been maintained in this Bill. It is important to note that throughout the review process there were no submissions questioning the need for legislation in this area or the approach adopted. As a link in a chain of national, and indeed international, set of explosives legislations, significant changes in policy should be carried out at a national level and discussions have taken place and continue to take place through the conferences of national explosives authorities to obtain and/or maintain national uniformity in this area.

The purpose of this Bill, as with previous explosives legislation, is to ensure safety for the community from all activities associated with explosives, an inherently dangerous class of materials. These materials, because of their nature, pose a risk to the general community and an attraction to an undesirable element within the community. Yet they are essential tools for the community, particularly for a State like Queensland which is heavily reliant upon its mining and construction industries. It is not surprising then that the current use of high explosives in Queensland is in the order of 250,000 tonnes per annum. An efficient mining industry must have access to a competitive, efficient, flexible and innovative explosives industry and safety legislation needs to be mindful of these needs.

The review of the explosives legislation was commenced by me in 1993, continued under the previous Government and has taken considerable time to reach this stage. It involved extensive consultation with stakeholders and included the following considerations—

the legislation is part of a network of national and international controls on explosives;

the legislation should not involve itself with the business activities of explosives industries beyond provisions for safety;

the legislation, for effectiveness, should adopt a cradle-to-grave type approach covering a comprehensive range of activities including manufacture, importation, storage, transport, sale, use, disposal and export;

"explosives" represents a broad class of materials including blasting explosives, fireworks, ammunition, reloading powders, flares, toys such as caps for toy guns and practical devices such as airbag actuators for cars;

the legislation has moved over time to a form of co-regulation where standards

and codes of practice are developed by both Government and industry representatives;

the legislation is part of a Government's observance of its community service obligation;

the legislation is complementary to other legislation and does not duplicate requirements established elsewhere; and

the materials in question pose a significant risk to the community and such risk must be properly managed.

The methodology adopted in this Bill remains the same as the existing legislation. The legislation—

requires the identification of all explosives and explosives activities;

sets standards for acceptable explosives and explosives activities and obligations on those involved;

employs a system of authorities to grant approval for, and allow policing of, acceptable activities; and

provides for an inspectorate with the necessary powers to effectively monitor and enforce compliance with requirements.

Perhaps not surprisingly, the review attracted very few comments from industry or the community generally and while all submissions were given due consideration, the bulk of the changes resulted from an internal review of such things as—

fundamental legislative principles;

current drafting guidelines; and

an easy-to-read style.

Hence, while it appears as a new Bill, the significant changes to the existing legislation incorporated in the Bill are indeed quite few and include the following—

(a) The explosives legislation has general application and hence should promote the establishment of uniform requirements throughout Queensland. The only exemption provided for in the legislation is for those explosives under the control of the military services to which the Explosives Act 1961 (Commonwealth) applies.

(b) The existing explosives legislation provides for appeals against decisions to be made firstly to the Chief Inspector and thence to the Minister whose decision is final. Such provisions were seen to not allow an independent review of decisions under the Act. The new Bill in Part 7

provides for appeals to a Magistrates Court and outlines how such appeals may be processed. In this manner, the powers to grant, refuse, amend, suspend or otherwise deal with authorities under the Bill are subject to, and are seen to be subject to, appropriate external review.

(c) Given the nature of the materials covered by this Bill, the consideration of a person's suitability to hold an authority, granting access to and use of explosives, for example, includes the need to consider the mental—and, perhaps, physical—state of the applicant. Such matters have been considered by the Federal Attorney General's Department with respect to the Disability Discrimination Act 1992 and found to be consistent with safe workplace requirements. As such, protection is provided within Part 8 of the Bill—section 125—to doctors and psychologists who provide information to the Chief Inspector about a patient's mental or physical condition, and applies despite any duty of confidentiality owed by the doctor or psychologist to the patient. This provision is similar to that incorporated in the Weapons Act for similar reasons.

(d) Penalties have been increased significantly—from 84 to 400 penalty units—in this Bill to maintain an effective deterrent value and to reflect relativity with other similar pieces of legislation, e.g., Weapons Act, Workplace Health and Safety Act.

(e) Import/export provisions of the existing Explosives Act apply to explosives moving interstate as well as to or from overseas. It is considered that, as other States have similar explosives legislation and controls and such controls are moving towards national uniformity, it is no longer required to authorise and/or monitor interstate movements. Hence this Bill imposes requirements on import/export of explosives from other countries only. Crown law has advised that this is not inconsistent with Commonwealth constitutional jurisdiction over import/export matters.

The existing explosives legislation rightly requires the reporting of explosives incidents to the Chief Inspector to allow the proper investigation of such incidents so that a recurrence might be prevented. However it limits the incidents to explosions and fires, and only those associated with manufacture, transport and storage activities.

To ensure all explosives incidents are subject to investigation, Part 5 of the Bill extends the definition of "explosives incident" to any of the following events involving explosives—

- an explosive is, or appears to have been lost or stolen;
- an accidental explosion, fire or spillage;
- a death, injury or unexpected damage; or
- an unexpected event, with the potential to cause any of the above.

In this way, information gained from the investigation of all explosives incidents, including "near misses", may be used to further improve safety with explosives.

Part 9 of the Bill contains the repeal provisions for the existing legislation and also provides for minor consequential amendments to several other pieces of legislation. In particular the Police Powers and Responsibilities Act 1997 is amended to include explosives amongst those things for which police can search persons or vehicles and, as appropriate, take fingerprints. It is logical to include explosives with weapons in this context.

Part 10 of this Bill contains transitional provisions and allows for the existing explosives regulations to remain in force under the new Act. However, new explosives regulations are being drafted and are planned to be completed within 12 months. As such, this Part provides for such a limit on the introduction of new regulations under this Bill. I commend the Bill to the House.

Debate, on motion of Mr Mitchell, adjourned.

UNIVERSITY OF THE SUNSHINE COAST BILL

Hon. D. M. WELLS (Murrumba—ALP)
(Minister for Education) (12.51 p.m.), by leave,
without notice: I move—

"That leave be granted to bring in a Bill for an Act to establish the University of the Sunshine Coast, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. D. M. WELLS (Murrumba—ALP)
(Minister for Education) (12.52 p.m.): I move—

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

This Bill provides for the establishment and operations of the University of the Sunshine Coast. Higher education courses were first offered on the Sunshine Coast in 1989 by the then Brisbane College of Advanced Education. Teaching first commenced in temporary premises in Nambour. As a consequence of the amalgamation of the Brisbane College of Advanced Education and the Queensland University of Technology in 1990, the council of the Queensland University of Technology assumed responsibility for the provision of university education on the Sunshine Coast. The "campus" was relocated to the Sunshine Coast Community College of TAFE at Nambour.

The need for a more substantial higher education facility in the Sunshine Coast region had already been established and was agreed in principle between the Commonwealth and the State in 1989. A 100-hectare site at Sippy Downs and funding for external works and services were provided by the State Government at a total cost of \$3.5m. Commonwealth capital funding of \$9.5m was approved for the construction of the first buildings in 1992 and made available in 1994 and 1995.

In November 1993, agreement was reached between the State and the Commonwealth Governments that the new facility should be established as a university college. It was to operate under its own legislation but affiliated with the Queensland University of Technology. This arrangement was seen to provide the new institution with a high level of control of its own affairs and the freedom to develop its mission in step with the needs of the region. At the same time, it would satisfy the Commonwealth's policy that any new campus should be established and developed under the aegis of an established institution.

In July 1994, the Sunshine Coast University College Act 1994 commenced. That Act created an institution which had all the normal powers of a university—the power to appoint staff, to determine who and what it would teach, to offer a full array of higher education awards and to accredit them itself. It had the power to manage its own affairs. It also gave to the Queensland University of Technology the responsibility to assist the university college to provide higher education in the region. The QUT had the responsibility to provide academic quality assurance for the

new institution and the responsibility to negotiate with the Commonwealth the package of funding due to the institution and to forward such funds to the new institution. It required the two institutions to develop a formal agreement under which administrative and other services, such as computing and library support, would be provided by the Queensland University of Technology to the Sunshine Coast University College. Finally, the Act provided for a review of the relationship between the two institutions as soon as possible after 10 years from the commencement of the Act.

The Parliament noted at the time that the relationship between the two institutions could be expected to evolve as the new institution developed its own systems and acquired senior staff of its own. It also noted that any decision to bring forward this review process would need to be negotiated between the State Government, which has legislative responsibility for the operations of universities, and the Commonwealth, which has primary responsibility for their funding.

The Sunshine Coast University College opened for teaching in February 1996 with an intake of some 500 commencing students. Since then, it has grown to a total student body of around 2,000 students. It offers bachelor degree awards in three major discipline areas, arts, science, business as well as graduate course work and research studies. It has had an annual budget of just over \$14m and capital infrastructure worth around \$40m of which the State Government has provided some \$14m. A feature of its development is the construction of buildings which are sympathetic to the climate, lifestyle and culture of the Sunshine Coast community. The library building, designed by Sunshine Coast architect John Mainwaring, was recognised in 1997 by a national award, the Sir Zelman Cowen award for the best public building.

Significant changes have taken place in national higher education policy since 1994. The election of a Federal coalition Government in 1995 has brought a direct funding cut of 6% to institutional budgets and has left them to find the costs of much overdue salary increases themselves, amounting to a further cut of around 11%. The cost of higher education to individual students has risen significantly in the same period, with Australian students now funding around one third of the cost of their education. At the same time, institutions are being pushed to compete with one another for public funds, for the increasing number of fee-paying students in our community, and for private support and the

sale of services. It is in this context that the Sunshine Coast University College sought an early review of its status as a university college, believing that its capacity to compete in this new environment was unfairly constrained by the word "college" in its title and that its soon-to-graduate students, while holding full university degree awards, would be similarly disadvantaged by the title "college" attached to those awards.

Late in 1997 my honourable predecessor, the member for Merrimac, commissioned a distinguished panel of interstate academics to advise him on the status of the university college. The review panel found that there were no academic grounds for the institution not to be accorded the status of a university and that its staff, academic programs and organisational arrangements were all appropriate to the operations of a university. The panel recommended that, if the Commonwealth would agree to recognise the institution for the receipt of higher education funds under its legislative arrangements—the Higher Education Funding Act 1988—then the State should move to provide legislation for the operations of the institution as an independent university.

The Bill which is now before the House, the University of the Sunshine Coast Bill, will achieve this goal. The Bill repeals the Sunshine Coast University College Act 1994. In the process, the requirements of that Act for the institution to be affiliated with another institution and to be oversighted by that institution are removed. This is the key purpose of the legislation. The Bill confers on the institution the name University of the Sunshine Coast. This is the name chosen by the governing council of the institution. The Bill also confers on the new university powers, functions and accountabilities which are virtually identical to those held by other Queensland public universities. These are enshrined in Acts passed by the Parliament as recently as March of this year. These Acts were supported by both sides of the House at that time.

One provision which is unique to this Bill is section 80. While the Commonwealth Government has agreed to recognise the new university for the receipt of higher education funding under the Higher Education Funding Act 1998, this cannot be achieved without amendment to the Commonwealth legislation. This is unlikely to be achieved before April 1999. A provision has therefore been included in the Bill to ensure that any funds provided to the Queensland University of Technology for

the University of the Sunshine Coast can be transmitted to the new university without delay.

The Bill also includes some minor amendments to the Central Queensland University Act 1998 and the University of Southern Queensland Act 1998. When these Acts passed through the Parliament earlier this year, it was anticipated that both Acts would commence and new governing bodies be appointed by a specified appointed date. As a consequence of the timing of the State election, the proclamation of the commencement of both Acts was delayed beyond the appointed date. This made it impossible to achieve the requirements of the legislation in the form in which it was originally passed. The amendments in the Bill before the House provide for the repeal of section 73 of the Central Queensland University Act 1998 and section 72 of the University of Southern Queensland Act 1998. These sections are replaced with provisions which enable the members of the governing councils of both universities holding office prior to the commencement of the two Acts to become members of the councils upon commencement of the two Acts. Their terms of office are to conclude on a common date.

The substance of this Bill is the recognition of an institution as a university. This is an important occasion for the people of the Sunshine Coast, the education community and the people of Queensland. The circumstances of the Sunshine Coast University are unique. The reconstitution of this university college as a university is not a precedent for any other campus. To provide effective higher education, universities must have a certain critical mass, both of students and of staff. Without a certain level of population, such as this university has potentially, university life does not flourish. Those things which are important adjuncts of university life such as flourishing clubs and societies for the student body, a social life for the students centred around the university, the opportunity to talk with students from other disciplines and thus encounter other views of life, are not luxuries but part of the very substance of a university education.

Academic staff who are by definition specialists in particular fields cannot thrive in isolation. If a campus is so small that there is only one expert in a particular field, then that academic will have nobody to bounce his or her ideas off and the intellectual life of the campus and of the State will atrophy. Obviously, our education policy has to bear this in mind just as we bear in mind the necessity for providing regional opportunities in

Australia's most regionalised State. It is a matter of getting the right balance. In this case, the balance clearly favours the establishment of a full university in the most rapidly growing regional area of Queensland. I commend the Bill to the House.

Debate, on motion of Mr Quinn, adjourned.

Sitting suspended from 1.02 p.m. to 2.30 p.m.

CHILD PROTECTION BILL

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (2.30 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act about the protection of children, and for other purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Ms Bligh, read a first time.

Second Reading

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (2.31 p.m.): I move—

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

Clearly, one of the greatest responsibilities of any Government is the protection of children from harm or abuse. I am therefore pleased to introduce the Child Protection Bill 1998, which provides a modern legislative framework for the State to ensure the protection of children in a way that recognises the interests, rights and responsibilities of all concerned. The Child Protection Bill 1998 will entirely replace the outdated and limited Children's Services Act 1965. This Act was drafted in a period when there was little recognition of child abuse as we understand it today. It has an inappropriate emphasis on a reactive approach to child protection and contains orders that are inflexible, unresponsive and inadequate to ensure the protection of our children. In contrast, the Child Protection Bill 1998, developed by the Labor Government, is innovative legislation that will place Queensland at the forefront of child protection in Australia. The Bill is underpinned by the principles of equity and participation, privacy, and the recognition of indigenous, ethnic and

cultural identity. In this Bill, the paramount consideration continues to be the child's right to protection. The Bill places strong emphasis on accountability in the exercise of authority, and recognises that both parents and children have a right to information and to participate in planning and decision-making about the best way to ensure the child's protection.

When I was appointed to the Family Services portfolio, I promised swift action to introduce this long overdue Bill, but only after comprehensive consultation. To this end, a broad consultation process has been undertaken during the past eight weeks. Thirty-six regional consultation forums have been held, involving over 650 people. Some 600 information kits were distributed to over 500 community organisations and individuals. I am happy to report that this community consultation revealed a positive and enthusiastic response to the Bill. All key stakeholders and community groups have indicated substantial support for the principles that underpin the Bill. I am also pleased to report that the Bill has been shaped by suggestions and submissions made throughout those consultations. As a result of those submissions and the excellent work of my departmental officers, this Bill is a substantial improvement on that tabled in this Parliament by the former coalition Government.

Most child protection work undertaken by officers of my department is carried out without the need for specific legislative powers. In the majority of cases, action taken to protect children occurs with the family's consent. Nevertheless, in discharging their duty to protect children from abuse or neglect, departmental officers and the police will at times need to exercise some of the powers conferred in this Bill—for example, when action is needed to protect a child from immediate risk of significant harm.

I do not believe that anyone could sensibly advocate that the protection of children, as one of society's most vulnerable groups, can be compromised. At the same time, society rightly expects that the use of significant powers will be strictly defined and controlled, and that adequate safeguards should exist against misuse of these powers. I am satisfied that this Bill achieves a proper balance between access to and accountability for these powers. For example, while the Bill provides that a child may be taken into protective custody in certain defined circumstances, officers must seek a judicial order within eight hours of removing the child. I do not apologise for making this eight-hour

requirement a tight restriction, because the removal of a child from a family is a significant power. While it is desirable that such powers be available, they must be subject to appropriate and accountable safeguards.

Despite a preference to work cooperatively with families to protect children, officers of my department must sometimes seek an order of the Childrens Court to protect a child without the consent of parents. This Bill requires that where these orders are granted they must be at the least intrusive level that is compatible with ensuring the child's protection. A range of flexible orders is incorporated within the Bill to ensure this. One such order, an assessment order, is designed to allow a child's possible need for protection to be investigated. Under an assessment order, actions such as access to a child, medical examination of a child and temporary protective custody of a child may be authorised by a magistrate or judge. If an ongoing child protection order is necessary, further options are provided, including time limited custody and guardianship orders which are not currently available. Currently, under the outdated Act, all orders have effect until the child reaches the age of 18 years.

By establishing the Forde inquiry into allegations of institutional abuse of children, this Government has already demonstrated its commitment to learning important lessons from the past, to ensure the future safety and well-being of children in care. Vulnerable children—those who are in care because of abuse or neglect—must not be further disadvantaged by treatment they receive while in our care. This Bill places special emphasis on ensuring that this does not occur. Under the Bill, children's living arrangements under child protection orders are to be reviewed at least every six months to ensure that standards of care are being met and the needs of children properly addressed.

This legislation will be the first within Australia to incorporate a charter of rights for children in care. The inclusion of such a charter in child protection legislation was a recommendation in the joint Human Rights and Equal Opportunities Commission and Australian Law Reform Commission report entitled "Seen and heard: priority for children in the legal process". The charter consolidates, in an easily understandable and accessible form, the rights of children and young persons articulated throughout the Bill. For example, the Bill respects the rights of children and young people to have their views taken into account. It is often easy for the views of those at the core of our child protection

services—that is, children and young people—to be overlooked in this regard.

Foster carers play a significant part in helping meet the needs of Queensland children in care. This Bill recognises their important role and contribution by requiring that they be provided with support and training to assist them in their role. This Bill also recognises and reinforces the indispensable role of community agencies in the provision of child protection services through the inclusion of a statement of standards for alternative care, which articulates expectations about the quality of alternative care services.

One of the most unacceptable issues facing child protection in Queensland is the significant overrepresentation of indigenous children in the State's care. It is therefore imperative that the Bill entrenches the child placement principle, which requires that departmental officers consult with appropriate agency or community representatives when making decisions about Aboriginal and Torres Strait Islander children, and must ensure the maintenance of indigenous children's cultural identity. The inclusion of the child placement principle, which was developed jointly with indigenous Australians, is a key step in ensuring that atrocities such as those detailed in the Bringing Them Home report will never again occur.

I have been extremely concerned recently by the actions of some media outlets in reporting, often in sensational and explicit fashion, the names and identities of children who have been abused by members of their own families. Professional child protection workers are acutely aware of the damage caused to children, sometimes only apparent in later years, when very private information about their family's treatment of them appears on the front pages of newspapers and on television. While I am supportive of the need to raise awareness of child protection matters and to ensure the freedom of the press, there is absolutely no need for this invasive, often simplistic, and irresponsible practice. This Bill introduces hefty penalties for corporations which publish information about child abuse in a way which identifies the child in question. In the balance between television ratings and child welfare, I make no apologies for the fact that this Bill comes down squarely on the side of the child's needs.

I am very proud to introduce this long overdue Bill. It will support my department and its Government and non-Government partners in the difficult and complex work of child protection. Despite the antiquity of the current

legislation, much of Queensland's practice for the protection of children is recognised by many as the most advanced in Australia. We still have a long way to go, but this Bill provides the legislative base that will underpin excellence in child protection practice well into the future.

The Bill's implementation will be complemented through the establishment of a new Child Protection Council. For the first time, a peak body will exist to provide high-level advice on child protection matters, incorporating both the Government and non-Government sectors. I am confident that the establishment of the council will continue the consultative spirit that has characterised the development of this Bill.

Finally, I need to make some comment on the issue of resources needed to implement the intent of this Bill. This was the one concern that was common to all those who commented in the public forums on this Bill. It is clear that additional resources will be needed to adequately support the implementation of this Bill over time. I am confident that these additional resources can be sourced to properly implement this important legislation.

Queensland's children have waited long enough for legislative reform to ensure protection from abuse. I am therefore pleased to introduce a Bill that will deliver this fundamental right to our children. I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

RESIDENTIAL TENANCIES AMENDMENT BILL (No. 2)

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (2.40 p.m.), by leave, without notice: I move—

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

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Ms Spence, read a first time.

Second Reading

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait

Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (2.41 p.m.): I move—

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

I introduce to the House the Residential Tenancies Amendment Bill (No. 2) 1998. The Bill contains four corrections to sections of the Residential Tenancies Act 1994 that were affected by particular provisions of the Residential Tenancies Amendment Act 1998. These corrections are necessary to redress unintended consequences in the relevant four provisions of the amendment Act. These corrections are minor and technical, and involve no change to the policy positions announced when the amendments to the Act were passed. Their passage is essential in order to ensure the Act operates as originally intended and to ensure changes expected by the residential rental industry are delivered in full.

Members will recall that the Residential Tenancies Amendment Act 1998 was passed with bipartisan support in May of this year. The amendments to the Act commence on 1 December 1998 and apply to all new tenancy agreements signed on or after that date. During preparation of the Residential Tenancies Amendment Regulation 1998, in mid October, to incorporate standard terms for tenancy agreements, it became apparent four minor corrections were required. It was only after intensive legal scrutiny of the legislation that the need for these changes was identified. I have acted swiftly and decisively to ensure the necessary changes are brought before the House to be given effect, and that they will apply from the same date as commencement of the other amendments on 1 December 1998.

As I mentioned, the Bill contains four corrections. I will speak to each of these in turn. Firstly, the Bill clarifies the provision regarding the maximum rental bond that can be charged for a long tenancy—moveable dwellings. The effect of the original amendment to the Act on this issue limits this provision to apply only to tenancies where the lessor is the tenant's employer. The amendments I bring before the House today will ensure the intended outcome, expected by all industry and consumer players, is achieved. This is for a maximum bond, the equivalent of three weeks' rent, to apply to all long tenancies—moveable dwellings—where electricity is individually metered and charged in the lessor's name. Secondly, an adjustment to the water charging provisions is necessary

to clarify that a lessor may pass on costs associated with tank water delivered by vehicle to the premises. This is to apply regardless of whether such water is individually metered or not.

The third correction reinstates a provision that has always existed in the Residential Tenancies Act—that application to the Small Claims Tribunal for an abandonment termination order is an urgent application. This was inadvertently omitted from the amendments to the Act in May, when the section was replaced. If this correction is not made, lessors/agents seeking an abandonment termination order from the tribunal would be required to go through dispute resolution as a non-urgent matter before proceeding to the tribunal. This is clearly unacceptable, and hence the need for the amendment to correct this error.

The fourth and final correction is for an amendment to the provision of the Act that currently requires a person instigating a dispute resolution request to provide a copy of the request to the other party. This was not the intention, and a correction is needed to ensure this task rests with the Residential Tenancies Authority, the independent party charged with resolving the dispute. While this appears to be a procedural matter of apparently minor significance, it is the experience of the RTA that one party notifying directly the other party involved in the dispute can inflame the situation and inhibit successful conciliation. The amendment is necessary to avoid a situation where a dispute might escalate, or jeopardise the safety of either party.

All sectors of the residential rental industry are expecting the changes to the Act that commence on 1 December 1998 to cover the situations identified above. The corrections contained in this Bill will ensure these legitimate expectations are fulfilled. These provisions are reflected in the community education and promotional materials developed by the RTA prior to the corrections coming to notice in mid October, to enable the authority to support the industry in adapting to the amendments.

For these reasons, it was necessary to ensure these provisions also commence from 1 December, and so this requires these four corrections to apply retrospectively. The changes I propose are essential, and will ensure that all tenancies that commence on or after 1 December 1998 operate within the legislative framework agreed between industry, consumers and Government. I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

DAIRY INDUSTRY AMENDMENT BILL

Hon. H. PALASZCZUK (Inala—ALP)
(Minister for Primary Industries) (2.47 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Dairy Industry Act 1993."

Motion agreed to.

First Reading

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

Second Reading

Hon. H. PALASZCZUK (Inala—ALP)
(Minister for Primary Industries) (2.48 p.m.): I move—

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

The purpose of this Bill is to amend the Dairy Industry Act 1993. It will implement the recommendations of the National Competition Policy review of the Dairy Industry Act 1993 conducted by the Queensland Dairy Legislation Review Committee. It will also give effect to the recommendations of the Supply Management Working Group, which conducted a subsidiary review process to complement the work of the committee.

The Bill will—

continue to allow, for a five-year period from 1 January 1999 to 31 December 2003, the setting of a minimum price to be paid for the purchase of milk from producers and processors for processing as market milk; and

extend the existing supply management arrangements applying in south-east Queensland to the entire State's dairy industry for the five-year period.

In addition, it will make a number of miscellaneous amendments, including amendments necessary as a result of deregulation of the dairy industry beyond the farm gate on 31 December 1998, as previously agreed and provided for in the 1993 Act.

The provisions relating to price and supply management are seen as critical to the continued success of the Queensland dairy industry. They are the outcome of a very

comprehensive review process and public benefit test. However, it is important to realise that while the requirements of National Competition Policy—NCP—were the initial reason for the review process, Queensland's dairy industry continues to be subject to a range of rapidly changing market forces and these are just as important as NCP in the formulation of the legislation now before this House.

These changing market forces have resulted in a climate of uncertainty with respect to a number of major issues impacting on policy determination. They include the NCP reviews in other States, the scheduled termination of the Commonwealth's Domestic Market Support Scheme and the market changes to follow post farm gate deregulation in Queensland from 1 January 1999. In addition, the severity of the impact of the Asian economic crisis on Australian exports of manufactured dairy products to this region is yet to be fully determined.

The Asian impact, the termination of the Domestic Market Support Scheme from 30 June 2000 and the fact that Australian dairy exports compete in a world market distorted by export subsidies and import restrictions can all be expected to exert considerable pressure on the Victorian industry to enter fresh milk markets in other States. Victoria, as the major milk-producing State, is likely to exert a significant influence on the rate and form of industry adjustment, particularly in New South Wales and in Queensland.

Deregulation beyond the farm gate in Queensland takes effect on 31 December 1998 in terms of the sunset provisions already contained in the Dairy Industry Act 1993. These will remove exclusive processor franchise and milk distribution arrangements as well as milk price control in the wholesale and retail sectors and will give rise to changes in the Queensland market from the ensuing competition for market share.

The New South Wales Government has recently completed its NCP review and has decided to retain a regulated farm-gate price and associated supply management arrangements for a five-year period, with a further review by July 2003 or sooner should industry conditions dictate. Victoria will commence its review during this financial year. Similar reviews will be undertaken in all Australia States.

Against this backdrop, a review of the Dairy Industry Act 1993 was undertaken by the Queensland Dairy Legislation Review Committee and a public benefit test was

undertaken of the restrictions on competition in the legislation. The National Competition Policy requirements, of course, arose in April 1995, when the Council of Australian Governments—or COAG as it is known—comprising of the Commonwealth, State and Territory Governments and the Australian Local Government Association signed a set of agreements to implement this policy.

One of the agreements, the Competition Principles Agreement, requires States to review any legislation restricting competition and undertake a public benefit test to ascertain whether any anti-competitive arrangements should be continued or changed. The public benefit test for the dairy industry review was conducted by independent consultants to answer the question of what the market structure, prices and market shares might be like in the future under both regulation and deregulation. To underpin this analysis there has been widespread public consultation, which included all dairying areas of Queensland, over a 15-month period. Two issues papers were released, public hearings were conducted, numerous written submissions were received and there were two publicly released reports.

The outcome of the consultation is the overwhelming support by the dairy industry—both producers and processors—and associated rural communities to continue legislative arrangements for a transitional period of adjustment of up to five years. Some segments of industry wish this to be indefinite but, given the industry environment and future expected adjustments in other States, it is not practical to determine a longer term position.

The outcome of the public benefit test was that a strong case could be put forward to continue the use of regulation to allow industry time to adjust to the ongoing rationalisation occurring in the dairy industry throughout eastern Australia. Social and regional impacts were very important in this analysis—and not just economic issues. In economic terms, the public benefit test showed that the economic efficiency gains from immediate deregulation were small, whereas significant adjustment costs are likely to arise, with adverse social and regional impacts in dairying areas if deregulation was imposed immediately.

The Government has accepted the overriding conclusion that, while market forces will continue to cause adjustment and restructuring within the dairy industry, there is a need for a managed transition period to provide certainty for industry and to avoid adverse impacts associated with immediate

deregulation. Accordingly, the Government has agreed to continue legislative arrangements for the pricing of market milk purchased from producers and processors and to extend statutory supply management arrangements, currently only applying in south-east Queensland, to the entire State. Consequently, the Bill—

- provides the Queensland Dairy Authority with continued power to fix a minimum price to be paid for the purchase of milk for processing as market milk;

- extends the existing supply management arrangements in south-east Queensland to the entire State by requiring the Authority to grant market milk entitlements—that is, an entitlement to supply milk for processing as market milk—to the central and north Queensland dairying areas;

- sets out criteria that the authority is to take into account to ensure that entitlements are granted fairly, including the provision of appeal rights;

- ensures that producers receive market milk payments based on the minimum price and a fixed proportion of total Queensland monthly market milk sales, and gives the authority a power to make directions requiring payments to be made between processors to enable payment obligations to producers to be met;

- allows the authority to continue to license producers and processors as a mechanism to support the minimum price and the supply management arrangements;

- provides a sunset date of 31 December 2003 for the power of the authority to fix a minimum price for the purchase of milk for processing as market milk and the supply management arrangements;

- specifically authorises certain anti-competitive conduct about the minimum price and supply management arrangements for the purposes of the Trade Practices Act 1974 (Cwlth); and

- omits a number of redundant provisions contained in the legislation no longer required after 31 December 1998 when deregulation of the dairy industry beyond the farm gate occurs.

The need to extend supply management arrangements arises, in part, from post farm-gate deregulation. When processor market area franchises cease on 31 December 1998, along with retail milk price controls and exclusive vendor areas, a producer's market

milk access cannot be guaranteed. Competition between processors, for example, for supermarket supply contracts is likely to result in changes to processors' market shares, with losses in market milk sales by some processors and gains by others. These changes could significantly reduce some producers' incomes and cause adverse regional impacts.

The Bill will ensure that individual producers continue to receive equity of access to market milk sales and ensure that there is price and supply certainty for both producers and processors. It will also provide an important industry adjustment mechanism by giving all producers a tradeable entitlement to facilitate internal buying and selling of quota, so that those wishing to stay in the industry can become larger and those wishing to leave can sell.

The supply management arrangements will not prevent any new producer or processor from entering the industry. They will, however, protect producers' existing market milk access so that any new producer wishing to enter or expand must do so by purchasing from the existing pool of entitlements. Also, all processors will be required to pay entitlement holders the minimum price for milk for processing as market milk.

These legislative arrangements will apply for a transitional period of five years. Government, however, acknowledges that an earlier review may be necessary, depending upon the rate of change of market forces and the outcomes of reviews in other States which impact on the Queensland dairy industry. Essentially, the Bill maintains sufficient regulation to protect farmers' existing entitlements and access to the market milk returns and to continue Government price setting. However, it must be acknowledged that this will occur within an environment of downward pressure on prices as a result of competition among processors, market power being exercised by the large retailers and likely interstate developments. Nevertheless, the Bill will provide a great deal of certainty for Queensland dairy farmers and stability for the industry.

The amendments will not remove market signals but will give farmers time to adjust to the changing face of industry at a pace that the industry can absorb. The Bill will encourage industry adjustment to assist the industry in becoming more competitive compared with interstate suppliers and in response to overseas market forces. Industry will need to operate in a more market oriented

environment in order to remain an efficient and sustainable industry in the longer term.

The Government is acting swiftly and responsibly on the dairy industry review after it was stalled by the previous Government. The bottom line is that immediate deregulation would have caused enormous upheaval to the industry with reduced incomes for producers and disrupted producer access to market milk sales. This, in conjunction with the predicted adverse regional impacts, can hardly be seen as being to the benefit of the community overall.

The Bill clearly demonstrates that the Government is committed to improving the effectiveness and efficiency of Queensland's dairy industry, but never at the expense of secure employment or a blind faith in National Competition Policy. The Bill provides an outcome justified by the public benefit test, that is, in the best interests of the Queensland dairy industry, dairy farmers, their families, dependent Queensland rural communities and the community overall. I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Hon. H. PALASZCZUK (Inala—ALP)
(Minister for Primary Industries) (3.01 p.m.), by
leave, without notice: I move—

"That leave be granted to bring in a
Bill for an Act to amend legislation about
primary industries."

Motion agreed to.

First Reading

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

Second Reading

Hon. H. PALASZCZUK (Inala—ALP)
(Minister for Primary Industries) (3.01 p.m.): I
move—

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

This Bill brings before the House a
number of simple yet significant amendments
to several Acts in my portfolio. The Bill amends
the Agricultural Standards Act 1994 to address
particular wholesomeness and product integrity
issues in relation to the sale of livestock. The

primary issue of concern is the threat that
chemical residues in meat poses to Australia's
overseas markets. There have been a number
of serious such threats over the past 25 years
as a result of various incidents of avoidable
chemical residue contamination of beef.

The cattle industry nationally has
responded to these concerns with a voluntary
declaration system—the National Vendor
Declaration (Cattle)—in which sellers make and
supply declarations about the chemical
treatments and history of their sale cattle.
However, the experience has been that solely
market driven systems will not always work.
Some people will be prepared to cheat on
quality systems in order to seek short-term
profit and, in so doing, place at risk the entire
industry. Mistakes made through a lack of
quality consciousness can have the same
adverse effects.

There is national agreement to support
the declaration with vendor declaration
legislation. The concept involves significant
regulatory penalties for making false
declarations, with the deterrent effect from the
penalties adding confidence and general
rigour to the otherwise voluntary system. The
case for Government intervention is the
maintenance of viability of the \$1.5 billion
export-based Queensland beef industry, with
its beneficial flow-on effects to the Queensland
economy and community generally.

The Bill will amend the Agricultural
Standards Act in two ways to implement the
vendor declaration concept. It will firstly
broaden the objectives of the Act from its
current emphasis on standards in relation to
agricultural inputs to embrace issues
surrounding the sale of stock. It will then create
a new offence for sellers/vendors of stock to
make false declarations or representations
about the stock in relation to specific
wholesomeness and product integrity issues.
The Bill will provide for a maximum penalty of
100 penalty units, or \$7,500, to reflect the
seriousness of the underlying issues.

As I mentioned, the main focus is initially
on chemical residues in meat. However, this
innovative legislation will be flexible enough to
extend, if necessary, to support other industry
quality assurance measures that emerge. The
vendor declaration concept and the
amendments to this Act are strongly supported
by the beef industry.

The Bill contains some important
amendments to the Brands Act 1915. The Bill
contains three major initiatives in facilitating
better branding practices in the cattle and
horse racing industries. Firstly, it eliminates the

ribs as a branding position for cattle. Queensland is one of the world's major exporters of cattle hides. However, it is well known that branding cattle on the ribs and other prime sites lowers the monetary value of hides and generally devalues the reputation of Queensland cattle hides in world markets. These amendments facilitate a commercial solution to this long-term commercial issue. They encourage improved branding practices by making it necessary to avoid rib branding. In effect, the Government through these changes will create the framework to encourage the very necessary commercial linkages between producers and processors, such as value-based marketing systems for cattle hides.

Secondly, the Bill will prohibit the branding of cattle on the cheek. While the current legislation already limits the ability to brand on the cheek and it is not a widespread practice in Queensland, cheek branding has already been banned in the United States and in some other States of Australia. The Government has responded positively to community concerns that the practice be totally prohibited. This amendment will really strengthen the clean green image of Queensland beef.

Thirdly, for horses, the Government has also responded to legitimate requests from the racing industry to fix the discrepancy in which the branding of Queensland thoroughbred racehorses is out of kilter with all other States and New Zealand. The Bill will now allow stud numbers and age numbers to be branded on the off-side shoulder of Queensland thoroughbreds. This will be in accordance with current practices throughout the rest of this highly valuable industry.

Specifically, the Bill will eliminate the rib and cheek branding positions; include the twist as a new branding position; include the thigh as a separate branding position; allow branding on any angle; eliminate the mandatory order of branding; and allow flexible placement of age numerals and stud references in any of the prescribed branding positions. Again, these amendments to the Brands Act are strongly supported by industry.

The Bill also amends the City of Brisbane Market Act 1960 so that section 29 of the Act is sunsetted to expire on 31 August 1999. This section in effect provides the Brisbane Market Authority with the exclusive right to operate a wholesale fruit and vegetable market within the City of Brisbane. Termination of this exclusive right was a unanimous recommendation by the Brisbane Market Authority Review

Committee in its report to Government in May this year.

The 31 August 1999 termination date will coincide with the removal of the legislative provision with the expiry of the current wholesaler selling floor leases at the market. This in turn allows the wholesalers to decide whether to exercise a five-year extension option on their leases to remain at the Rocklea market site or move to an alternative location. It is important that this amendment to the City of Brisbane Market Act be made this year, as it is considered to be only fair and equitable to give adequate notice of the date for termination of exclusivity to all interested parties.

The Bill also amends the Forestry Act 1959. The amendment will specifically authorise, for a period of one year, the sale of forest products by the Primary Industries Corporation. This sale is made under the native forest sawlog allocation system, and the authorisation is for the purposes of the Trade Practices Act 1974.

It is under the native forest sawlog allocation system that the Primary Industries Corporation allocates the majority of the native forest sawlog resource to sawmillers who are allocation holders. The Competition Policy Reform (Queensland) Act 1996 applies the TPA to the activities of Government businesses. It is thus important to ensure the necessary regulatory arrangements are made to protect activities of the Primary Industries Corporation from any possible action under the TPA.

Approximately 40% of the allocation holders have allocations under long-term contracts exempt from the TPA until their expiry between 2004 and 2007. To protect arrangements for the remaining 60% of allocation holders, a short-term authorisation of the allocation system was enacted through the Competition Policy Reform (Queensland Exemptions) Regulation 1996.

The Bill will extend the TPA exemption for one year. The extension will allow the Primary Industries Corporation to continue current allocations until a long-term policy for the allocation of native sawlogs can be developed. This timing will allow consideration of the Regional Forest Agreement in south-east Queensland, which is scheduled for completion by 31 December 1998, to be factored into the policy.

Finally, the Bill makes a few minor drafting changes to a number of Acts. The Bill amends the Grain Industry Restructuring Act 1991 so as to omit the Schedule. The Schedule deals

with transitional provisions that were required on commencement of the Act. Now that the transitional period is over, the provisions in the Schedule are superfluous.

The Bill amends the Meat Industry Act 1993 so as to remove the requirement that standards made by the Queensland Livestock and Meat Authority be approved by regulation. This section is superfluous as, according to the Statutory Instruments Regulation 1992, such standards are subordinate legislation in any event. The Bill will insert a provision in the Act stating clearly that standards are subordinate legislation and thereby do not require approval by regulation. I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

VALUATION OF LAND AND OTHER LEGISLATION AMENDMENT BILL

Hon. R. J. WELFORD (Everton—ALP)
(Minister for Environment and Heritage and
Minister for Natural Resources) (3.11 p.m.), by
leave, without notice: I move—

"That leave be granted to bring in a
Bill for an Act to amend the Valuation of
Land Act 1944, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. R. J. WELFORD (Everton—ALP)
(Minister for Environment and Heritage and
Minister for Natural Resources) (3.12 p.m.): I
move—

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

In introducing this Bill to the House, I would point out that the Bill makes amendments principally to the Valuation of Land Act 1944 and the Land Title Act 1994. The Schedule to the Act also makes minor amendments for a number of other Acts both within the Natural Resources portfolio and in some associated portfolios. As the amendments to the principal Acts cover five particular issues, I will briefly describe the background to these changes.

The Department of Natural Resources has been approached by wholesalers who wish to purchase certain bulk electronic valuation and

historical sales data held on microfiche. When the department was preparing to negotiate contracts with these brokers, legal advice suggested that the power to enter into these types of arrangements, including fees under section 77 of the Valuation of Land Act, needed to be clarified. To ensure these contracts were not subject to the statutory fees under section 76 for the normal across-the-counter supply of data, I have brought forward these amendments to secure the flexibility for the department to supply the data to wholesalers in contracts tailored to meet their particular needs. This will result in a wider range and more accessible information products being available for the benefit of all the users.

Another amendment to section 25 of the Valuation of Land Act will reduce paperwork and red tape by removing the need for an owner of subdivided land to apply for a concession in the valuation for rates and land tax. It will also save my department from having to process these applications. In the future, the concessions will flow automatically from the valuation of each lot in the plan of subdivision that will be triggered by the registration of the new plans in the Land Registry. I am particularly pleased to introduce this amendment which resulted from fruitful consultation with the industry, in particular with the Urban Development Institute of Australia.

A technical amendment is included in the definition of "improvements" in the Act to ensure invisible improvements such as landfill on land owned by a Government owned corporation are allowed for in the unimproved valuation process on the same basis as that of other privately owned lands. This levels the playing field for the valuation of these lands and is of particular assistance to the various port authority owned lands.

The final main amendment to the Valuation of Land Act will benefit owners of land by removing the requirement to renew an objection to a valuation of land where it has already been objected to or appealed against in a previous valuation. The change will allow later valuations to be adjusted where the earlier determination has revealed an error of law or a mistake of fact.

The amendment to the Land Title Act 1994 will prevent instruments lodged for registration from being registered if the instruments are inconsistent with another Act or law. Many of the documents registered under the Land Title Act have their basis at law under other State and Federal Acts, for example, the Property Law Act 1974, the

Trusts Act 1973 or the Corporations Law. The legislation will correct the present situation by placing the onus of ensuring that the documents comply with all other Acts and laws with the persons concerned with the documents. It will also limit the State's liability to claims for damages where the Registrar of Titles is unable to register documents due to the requirements of other Acts and laws.

Other minor amendments in the Bill change the Valuation of Land Act 1944, the Land Title Act 1994 and a number of other Acts. The clauses correct references, replace an expiring Order in Council, make amendments consequential to the changes in this Bill, and make minor wording changes to update the statute book. I commend this Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL (No. 2)

Second Reading

Resumed from 21 October (see p. 2640).

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (3.16 p.m.): This Bill epitomises an historic and quite tragic failure. As a faithful extrapolation from and essentially a continuance of the original failed Keating native title legislation, in the essential element of the right to negotiate, it fails all Queenslanders equally. It fails Queenslanders who genuinely seek reconciliation. It fails Queensland Aborigines. It fails Queensland workers. It fails Queensland pastoralists, and it particularly fails Queensland miners.

Mr Fouras: The cows worry about who might walk by—very sensitive cows.

Mr BORBIDGE: It does so by maintaining, by repeating and by institutionalising one of the most intellectually shallow and most selfish of modern urban myths developed in this country and championed by honourable members such as the member for Ashgrove, who interjects. That myth is that a minority of people in this nation can clear their consciences in relation to the historical treatment of Aboriginal and Islander people by heaping a massively disproportionate share of the native title administrative burden, the native title emotional burden, the native title cost burden and the cost of sharing their land and their work onto a relative handful of people in the bush—pastoralists and miners. And this is being done while the minority that pushes this message hides righteously behind

the fences of freehold quarter-acre blocks in the cities, as represented by honourable members opposite who interjects.

Mr Fouras: You're a disgrace.

Mr BORBIDGE: The member should join in the debate a little later, instead of squawking his irrelevance from the backbench.

Native title, particularly as it relates to rights co-existing with those of pastoralists and miners, can only properly and reasonably be a limited set of rights. Commonsense demonstrates that. The law demonstrates that. These rights should not be pushed and distorted into things they cannot properly be—in some selfish effort to find a panacea for urban guilt. If some urban Australians believe that policy towards Aborigines and Islanders needs to be considerably more effective in addressing historical failures in this country—and very clearly it does—then urban Australia has to accept the lion's share of that task.

It is palpably ridiculous to seriously suggest that the dispossession and the alienation of Aboriginal people in this country have been a function simply of that relatively small group of people who developed the primary industries of this country and that their descendants should now provide the land rights remedy almost exclusively. It is also ridiculous to suggest that miners should, in a very distorted way, become a principal means of economic empowerment for the Aboriginal people. Most Australians, thankfully, appreciate that these politically correct propositions put forward vigorously by the Australian Labor Party, the Democrats and the Greens, with ample support from very significant elements of the media—together being the chattering classes—are unjust and discriminatory. But the reaction of the Australian Labor Party and its supporters to this counter-proposition from the majority of Australians, repeated in countless public opinion surveys over many years, is, without fail, simply to brand gratuitously their fellow Australians as racist and then to continue with the institutionalisation of their quite silly and counterproductive policies. That is not good enough.

The aspect of the native title issue that we are principally dealing with in this Bill is the role that native title interests should provide Aborigines in relation to the mining process, particularly in relation to substantive mining leases on pastoral leasehold land. Commonsensically, there is a very ready answer to that. It is very simple and totally non-discriminatory: in this State, and indeed across

this country, minerals are the property of the Crown. They have been exploited at the pleasure of the Crown—whatever the tenure. Holders of tenures on land that the Government has declared it will grant mining tenures over have access to a range of procedural rights. In Queensland, these are set down in the Mineral Resources Act. Aboriginal title holders should have access to those procedures in exactly the same way as other title holders and no more. It is as simple and as much commonsense as that. But sadly, that is not what we see in this Bill.

In this Bill we see a set of rights—a right to negotiate for Aborigines—that is denied to any other holder of title to the land, even to the level of private freehold. It is a highly prescriptive and a very broad set of rights compared with the simple procedural rights available to the pastoral leaseholder, or even freeholder, when it comes to mining on their land. Firstly, there is a requirement that the applicant for a mining lease notifies not only any native title body corporate and/or any registered native title claimants but also any representative body for the area subject to the proposed lease. That will take at least three months—and even effectively four—before negotiations commence. That is because there is room in this part of the procedures for those who might decide that they have an interest in applying for native title only once they understand that there is the potential to engage a right to negotiate process, and thus, at least potentially, achieve a cash benefit.

That effectively extends the notification period by a month, because latecomers will have a month beyond the limit that otherwise applies to achieve registration of their claim and thus gain access to the right to negotiate. There will then be a three-month negotiation period between at least the applicant for the lease and the native title holders or claimants and possibly the State, although in this legislation we do see a variation in the role of the State to one that is, to an extent, optional. At the end of that period, if there is not agreement, there will be a period of four months for mediation of the claim by an independent tribunal. Within two months of that, there will be limited capacity for the relevant Minister to overturn the decision of the tribunal. The Minister would be able to do so only if he or she believed that the project was in the State or national interest.

Therefore, on the surface, we are looking at a right to negotiate process of approximately 12 months. Of course, that is quite illusory. On application, the notification period can be extended. The negotiation

period is also subject to extension. The tribunal may adjourn for three months per adjournment. At any point along the way, there will be the clear potential for delaying legal actions, which could hold matters up for months—and even years—in the courts. In other words, we are looking at essentially the right to negotiate as it was developed in the original Native Title Act, which has proved an unmitigated disaster for the mining industry in this country, let alone for reconciliation. On the estimate of the Australian Mining Industry Council, it has held up \$30 billion in mining projects. It has driven a wedge between black and white in the area that ultimately is absolutely crucial to reconciliation, that is, the bush. That has been done all for the sake of the warm inner glow for a minority in the cities. Other coalition speakers will address the scale of that disaster.

On the surface, a range of limitations are placed on the right provided in this legislation compared with the Keating model. But they appear as illusory as the claimed shortening of the process. For example, the provision that parties engaging the right to negotiate process must negotiate in good faith is not repeated in this legislation. That point is the basis of one of the nudge-nudge, wink-wink efforts of the Government behind the scenes to convince certain players that this right to negotiate is somehow less onerous than its model, that somehow it represents a compromise. But of course that is not so, because lawyers will obviously still find ways to challenge processes and actions if their intent is delay in order to try to maximise the benefit to their clients. They have been doing so highly successfully on this topic now for almost six years. It is, in fact, increasingly fertile ground for lawyers. The Federal Act, which was always an ungainly and extraordinarily complex thing, is now 800 pages long as a result of the amendments to answer the never-ending set of questions that this topic throws up. Where there is a will there will be a way. The lack of a specific requirement to negotiate in good faith will not save a single delay in the face of determined counsel. If they cannot continue to find a ground for challenge here and there in this now incredibly prescriptive and ridiculous arena, they should surrender their Labor Lawyers ticket now.

Another claimed difference is that the negotiating parties will simply be approaching the negotiations from the perspective of the impact of the proposed mining on native title and that just-terms compensation will be limited to that impact. But that would appear to be a total furphy when one reads the boiler

plate. I refer particularly to page 113 of the Bill and the issues listed for consideration by the tribunal in any determination that it might make. They not only cover the bulk of the issues that are so incredibly broad in section 39 of the NTA, which is the template, but even carry the catch-all inclusion of "any other matter the tribunal considers relevant". That is clearly adequate to bring in the kitchen sink. So the nudge-nudge, wink-wink concessions are basically furphies. What we see here is, of course, the maximum retention of the Keating right to negotiate with some window dressing to try to generate the view that it is in some way restricted.

The one genuine concession in relation to what is otherwise full retention of the right to negotiate processes engages the exploration issue. High-impact exploration will attract the less onerous 43A procedures. That is not ultimately anywhere near as significant a concession as the Premier would try to have us believe. What he has been purporting is that because he has gone against Labor Party policy on this point—which would demand a full-scale right to negotiate on high-impact exploration—he is removing a major obstacle for the mining industry. Of course, that is absolute nonsense. The mining industry did not come down in the last shower. It knows that if it spends money in Queensland on exploration and finds something, it then confronts not the commonsense, non-discriminatory provisions of 43A but a right to negotiate. On balance, miners will still look to the provisions that will apply in Queensland under this Bill and see that they will be massively worse off in this jurisdiction as a result of the right to negotiate at the mining stage than they will be under the Western Australian model or the Northern Territory model. They will spend their exploration dollars either in those jurisdictions or indeed—and no doubt increasingly—offshore.

This legislation will do very significant damage to the mining industry in this State, which is this State's most important industry. We still have some of the most prospective areas in this country, and indeed in the world, in relation to potential future discoveries. Chief among them is the north-west minerals province. This legislation will slow exploration and slow project development there and in other areas across the State. Less exploration—and make no mistake, there will be less exploration—will mean only one thing: fewer projects. Fewer projects mean jobs forgone. It means billions in investment forgone. It means the potential for downstream processing will be forgone. It will

mean that the potential for manufacturing flowing from mining will be forgone. The compounded impact of that over the years and the decades will be measured in many billions of dollars and tens of thousands of jobs. It will be a disaster for this State. However, the tragedy is that it was absolutely and totally avoidable.

The Government did not have to go down this route. It did not have to retain a right to negotiate. It did not have to give pastoralists another slap in the face by providing their co-titleholders with rights way in excess of anything that they have ever possessed in relation to negotiations over mining. It did not have to do its level best to drive the mining industry out of this State by placing in its path constraints that simply will not exist in other parts of this country and do not exist elsewhere in the world.

The Commonwealth offered an alternative, and it was a hard-won, commonsense and fair alternative. If it had been adopted as it emerged from the Senate, it would still have meant that Aborigines would have achieved rights substantially ahead of what they are entitled to, which, in the coalition's view, is equal rights, not special rights when it comes to mining projects on their land. The background facts are these. The right to negotiate is a statutory right. It is not, as members opposite seek to suggest, some intrinsic element or common law legal right automatically attaching to native title. It is a totally politically manufactured, statutory thing. There was absolutely no mention of a right to negotiate in the Mabo decision. Indeed there was even an understanding, an acceptance of the view, even by the Labor Party post Mabo, that mining leases actually extinguished native title.

Of course, under those circumstances there would have been absolutely no basis for a right to negotiate. What occurred in 1993 was a deliberate policy decision by the Labor Party to have native title not extinguished but suppressed by mining leases with native title reviving at the conclusion of a grant. This was done to carve room for a right to negotiate. In fact, it was only very late in the process of the development of the Native Title Act in 1993 that the then Prime Minister finally resiled from Labor's long-favoured policy position, which would have provided Aborigines with a direct veto of mining on native title land. That had been Labor Party policy since the 1970s. Members should make no mistake: the whole issue of the right to negotiate is a statutory invention of a political party in order to deliver its policy. It is not an element of native title. It

is not a right dictated by the High Court. It is a discriminatory right, long sought for Aborigines by the Labor Party, and it was restricted in the original Native Title Act to mining on vacant Crown land only because it was the view of the Government of the day that it could not extend it to mining on pastoral land because it was believed that pastoral leases had extinguished native title.

There is a very strong pointer to what now ought to be the fate of that right in what the Labor Party was saying at that time. The justification for including it in the Act was said to be that it had to be there to fill a constitutional requirement and to make sure that the Native Title Act did not contravene the Racial Discrimination Act. The claim was that because native title had been extinguished over the great bulk of Australia, largely by the process of Governments granting interests in land inconsistent with it, there ought to be some form of compensation. The view was that there had to be some form of compensation, otherwise the Act might not be seen as one that was, on balance, in favour of the Aboriginal people, which the Labor Government of the day claimed was a constitutional requirement.

So we had in the original Act a right to negotiate for Aborigines over mining that occurred on any land in which they held any title which was, of course, presumed in 1993 to only engage vacant Crown land and a handful of other tenures then recognised as non-exclusive. Certainly, the clear presumption was that native title was extinguished on pastoral leases and, therefore, that the right to negotiate would not apply on pastoral land.

Of course, there was secret joy in the Labor Party when the Waanyi decision of the High Court in early 1996 ordered that the native title claim over pastoral land in far north-west Queensland, which covered the Century site, had to be accepted by the national Native Title Tribunal. The High Court said that because the issue as to whether a pastoral lease extinguished native title was alive in the Wik case, the tribunal could not reject that claim as hopeless. Finally, the party was able to deliver what had been sought by the Federal leadership of the ALP since Gough Whitlam: a powerful set of unique negotiating rights for Aborigines that was not a direct veto but was, in essence, a de facto veto.

If one ever wanted a clearer example of the absolute folly of the right to negotiate and its clear and intended status as a de facto veto it is in its very first impact on Queensland. Where does the Century project stand today?

Almost a decade after the discovery, almost three years after the decision that forced that project through the right to negotiate process, after Bill Hayden led the State's right to negotiate team, after he described the process that this Government is entrenching into the law of this State as "near extortion"—and they are not my words, they are the words of Bill Hayden—after another two years of guerilla warfare against the project by Murrandoo Yanner, after an agreement engaging outlays of \$90m for the Aboriginal people of the region comprising \$60m from the proponents and \$30m from the State, what has happened? It is still bedevilled by native title issues, which this Government is entrenching in this legislation!

Nine years after the biggest zinc discovery on the planet, there is still no guarantee that it can be mined. Why? Because of the very discriminatory and powerful rights associated with the right to negotiate that the Government now wants to expand to cover every mining project on pastoral land in this State. That is going to be the Government's shameful legacy to the people of Queensland in respect of native title.

Mr Reynolds: Rubbish!

Mr BORBIDGE: I say to the Premier's representative from north Queensland that, when the people of Townsville realise what Labor has done—because the Opposition will be telling them—he should enjoy his stay here. The absurd general proposition is that native title rights are so special, so powerful, that they can bring the most productive endeavours possibly contemplated in this State to a grinding halt. Under the processes set in train by Paul Keating, to which the Government bows in its native title legislation, Century is being denied power. For two and a half years, Labor held up the solution in the Senate. The coalition put Bill Hayden in charge of the right to negotiate under Paul Keating's legislation. He described it as extortion and, \$90m later, there is still no guarantee that the world's biggest zinc mine is going to go ahead. To add insult to injury, this Government is going to apply that process to each and every mining project on pastoral land in this State. What a collective group of buffoons sit opposite! Under the processes set in train by Paul Keating, to which this Government bows, Century has been denied power.

NORQEB cannot even build power lines from Gunpowder through to the mine for the benefit of this entire State, because that thug, Murrandoo Yanner, is using the Labor Party's distortions of native title to try to kill it. That is

his stated, his admitted and his determined intention. That is on the public record. By introducing the right to negotiate, the Labor Party is aiding and abetting him. It is entrenching the problem. Mr Yanner has denied the proponents an ability to build a bridge over the Gregory River to provide it with all-weather access.

It is time the people of this country eyeballed the situation. It is time that they recognised the scale of the cost associated with the stupidity of maintaining this self-defeating attitude towards the role of native title in relation to mining, which is being dictated to the sensible majority in this country by Left Wing Labor ideologues—the likes of John Woodley in the Senate, the likes of Brian Harradine, the likes of Bob Brown and the likes of the luminaries of the chattering classes who dominate far too many news rooms in this country.

Clearly, Aborigines deserve a right to be informed about proposed mining acts when they are to occur on land over which they hold a coexisting title. They deserve a right to have a say and a right to be consulted, as any other Australian does. In so far as their native title is impaired or destroyed, they deserve compensation on fair and just terms, as do pastoralists. They deserve all of that via the recognition that their rights should be respected. However, they do not deserve more than that. As I said at the outset, to grant more is a distortion. To grant more is to continue that distortion and the ugly urban myth that is championed by honourable members opposite that says that the descendants of the people who settled this country should, several generations on, alone make restitution for the dispossession of the Aboriginal people which resulted from that settlement.

Mr Fouras: And why not?

Mr BORBIDGE: They do that from the comfort of their quarter-acre suburban blocks in Ashgrove. I challenge the honourable member for Ashgrove and all honourable members opposite to put their homes and businesses on a voluntary coexistence register and subject their own properties and assets to the risks that the properties and assets of the miners and the pastoralists of Queensland are being subjected to.

There is an argument that miners in particular should make a disproportionate contribution to the so-called economic empowerment of the Aboriginal people. The proponents of that argument are being as selfish as they are being silly. The people who

lived in our cities were as much a part of the dispossession of the Aboriginal people as the pastoralists were.

Mr Fouras: As selfish as the miners.

Mr BORBIDGE: Tonight the honourable member for Ashgrove will go home to his quarter-acre suburban freehold block, and will I see any indication that he will make a contribution? No! The farmers can wear it and the miners can wear it and, at the end of the day, it will mean lost investment and lost jobs in terms of the development of this State.

Mr Beanland: They don't give a damn.

Mr BORBIDGE: No, they do not. Pastoralists would not have made such an epic effort to open up this country if there were no mouths to feed in the cities and if there was not a national economy to build. If a debt is owed to the Aboriginal people of this country, it is owed by the entire country and not neat little sections that are well clear of the city limits.

Another aspect of this matter that Australians need to eyeball is the utopian nonsense that surrounds the right to negotiate. We must consider the reality, rather than the myth. We have to make a distinction between the fantasy of native title in relation to mining and development and the reality of native title in relation to mining and development. As long as the people who currently drive this argument continue to run and dominate the country, its policy will abide in the fantasy world. As Bill Hayden said to me after he tried so very hard to reach an agreement in relation to Century, in reality it is near extortion. It is open to massive abuse. As Gary Johns—a Queenslander and a member of the Paul Keating's Ministry—put it, the process is pure madness in that it places so much pressure on one industry, the mining industry. That is not a criticism of the Aboriginal people per se.

If one group in society is given a unique set of rights that provides them with an extraordinary ability to achieve vast rewards from projects, they will take that opportunity every time. They would be mugs if they did not. Of course they will use that set of rights most enthusiastically and vigorously when the stakes are highest, on the biggest and most important projects—projects like Century. Again, they would be stupid if they did not and, of course, that is precisely what happens. When one then throws in characters such as Murradoo Yanner and Charlie "Mr 15%" Perkins who use the tools that Labor has quite stupidly given them, the system is open to absolute and massive abuse. The efforts of Mr Perkins in relation to the Ernest Henry project

are worth repeating here. It was effectively blackmail.

Mr Reynolds: Further racist language.

Mr BORBIDGE: Mount Isa Mines was basically told that if it did not come across with \$120m in compensation—and I use that term advisedly—there would be a native title claim over the project and, on behalf of his clients, Mr Perkins would seek a full-blown right to negotiate to try to take the project to the cleaners. When I outline to the House what Charlie "Mr 15%" Perkins did as a matter of record, how typical it is that the Premier's representative in north Queensland accuses me of being racist. We have the institute of the politically correct at the back of the House. How naive and stupid! The honourable member is championing and entrenching legislation after Charlie Perkins tried to blackmail the Ernest Henry mine for \$120m in compensation. Even though the Premier's representative does not want to know about it—although his electorate of Townsville has benefited so much—we know what happened when Charlie got two to the valley on the blackmail bid. He indeed sought to take that project to the cleaners. He tried to suggest that leases granted by the former State Labor Government and the former State coalition Government were illegal. He wanted the courts to stop production at the mine. He wanted to put out of work Aborigines who had been employed by Mount Isa Mines and Savage Resources at Ernest Henry and who had won contracts. He wanted to put everybody out of work.

I suggest that the Premier's representative from north Queensland educate himself, because it is about time that he started to understand the impact on Townsville that the effective stalling of State mining projects will have as a result of the legislation that he is going to entrench. Charlie Perkins wanted to put everybody out of work and he made a \$120m blackmail bid, and who in this Parliament is supporting him? The Premier's representative from north Queensland! The honourable member says that I am a racist for giving Charlie a touch up. I will give anyone, regardless of their background, a touch up if they try to extort \$120m from any company in this State.

As this Government seeks to follow blindly the Paul Keating model on native title rights as they apply to mining, what it proposes is folly and rank stupidity. Hopefully, not every major project will have a Murrumbidgee Yanner or a Charlie Perkins lurking in the background, trying to sabotage, extort and stop the project,

but I would not hold my breath. With many other lesser projects, the great majority of those comprising the Aboriginal interest will be sensible, as were the majority in relation to Century and Ernest Henry.

We have only to look at the map of this State now in relation to native title claims to see that it is smothered in them. Every major project in the north-west minerals province is covered by at least one claim. The plain and indisputable fact is that whenever a mine is proposed there will be a native title claim if there was not one there already. As I said, that is human nature; that is understandable; that is inevitable. If a Government is stupid and discriminatory enough to give one set of people within a single community a set of rights that far exceeds the rights provided to any other group, as this Bill does, it makes commonsense that that group will logically and inevitably seek to maximise those rights.

The challenge is to put an end to this nonsense while still respecting the coexisting rights of pastoralists, native title holders and miners to get on with the job. There is a ready formula for that. It was provided in the amendments to the Commonwealth Native Title Act that finally passed the Senate in July. It must be said that even the minimal rights now available under the Commonwealth legislation are considerably in advance of what was the original and proper aim of the coalition, and that was that native title holders would have exactly the same rights as those available to pastoralists. Under the Harradine-inspired amendments in the Senate, the procedural rights available to Aborigines, even in that so-called minimalist model, ended up considerably greater than the Commonwealth originally intended and considerably greater than those enjoyed by the pastoralists.

I foreshadow that the coalition will move a series of amendments when we reach the Committee stage. They deal with the right-to-negotiate provisions as they apply to mining leases on non-exclusive tenures, and they will seek simply to do the logical and the obvious, which is to make available to Aboriginal people a set of rights which approximate, in so far as the Senate has allowed, equal rights with pastoralists. We believe that that is the commonsense thing to do. We believe it is the fair thing to do. We believe it is the only appropriate course.

The rest of the Bill as presented is acceptable to us. The bulk of the Bill fits within the constraints established by the Commonwealth in relation to lesser mining tenures and in fact, in common with the

Government's previous legislation on validation and confirmation, reflects the intent of the original Commonwealth proposals, which in turn largely reflects the wishes of the States in discussions with the Commonwealth in the first half of last year. But the right to negotiate is the key issue. We will be going through the amendments in detail at the Committee stage so I will not go through them in any detail during the second-reading debate.

Generally, we follow closely the option allowed by the Senate which provides Aborigines with a set of rights which in the end are themselves quite significantly in advance of those available to pastoralists but which remain ultimately procedural rights. The first issue is notification rights, which are obviously immutable. They are declared by the Commonwealth Act and require notification of registered native title body corporates, native title holders and representative bodies for the area. The right to object is also an immutable procedural right, and that is reflected also in the coalition's amendment in much the same terms as it appears in the Government Bill, which in turn is declared in the amended Commonwealth Act but with the significant change that we demand in line with the requirement of the Commonwealth Act that such objections may be lodged only on the grounds and to the extent that the doing of the act affects the registered native title rights and interests of the objectors.

There is no "hitchhiker's guide to the universe" clause in our amendments. It is in relation to the consultation phase that we really part company with this Government. Members opposite propose an effective continuation of the right-to-negotiate regime by beefing up the section 43A provisions. We say that the clear requirement of the Commonwealth is that there simply be consultation between the native title holders or registered claimants and the applicant for the act "about ways of minimising the act's impact on registered native title rights and interests in relation to the lands or waters concerned, including about any access to the land or waters or the way in which anything authorised by the Act may be done". That is a commonsensical and reasonable approach. It is a totally decent and totally fair degree of involvement. It fulfils the Commonwealth's totally reasonable baseline requirement that procedural rights for Aborigines at least match those of others with an interest in the land.

Our plan provides for objections to be lodged by the native title parties and for there then to be a reasonable period of consultation

between the native title parties, the applicants and the State in relation to minimising the impact of the act or acts on native title. Then there is a further step whereby if the parties cannot agree on how to minimise the impact there is recourse to an independent arbitrator, as required by the Commonwealth and as is reasonable, in order to try to settle those disputes, with an ability for that arbitrator to make a determination if there can be no agreement between the parties. If objections are upheld either wholly or in part, the tribunal may include conditions on how the act may be done. The extent of compensation will then be determined by the tribunal. Time lines for this process will be as short as is reasonable and as firm as they can be.

Our scheme, in short, adopts all of the imperatives required by the Commonwealth's minimal position. In conclusion, this Bill is a failure in a range of ways. It is first and foremost a failure in relation to its retention of the right to negotiate and it is a failure in that it is otherwise so limited. It deals only with the right to negotiate as it applies to mining. The Bill is silent on the other great area of interest, which is infrastructure.

Labor in the Senate wanted a right to negotiate to apply very widely to infrastructure developments, whether publicly or privately constructed. Such a right to negotiate would have the ability to impact on a vast range of job generating development activity. We learn nothing in this legislation in relation to another area of acute interest, and that is the Government's intentions on the application or otherwise of a right to negotiate in towns and cities. There is nothing here on the compulsory acquisition position. But most poignantly, there is nothing here to give a substantive indication of where the Government is going in relation to heritage issues. That is a set of issues which could dramatically increase the impact of an approach which we already believe will be massively damaging to the economy of this State.

For example, we understand that what the Government contemplates is a major change to the language of heritage such that sacred sites will be replaced by a system of "sites of significance". Very powerful rights amounting to a veto will attach to sites of significance, and the term will basically cover whatever it is that the Indigenous Working Group wants it to cover. If that is the Government's intention, it will have extended what is a totally unacceptable de facto veto in the right to negotiate proposed in this Bill to a direct veto. I signal that the coalition will oppose the Bill at its second reading.

Mr NUTTALL (Sandgate—ALP) (3.58 p.m.): The hysteria shown by the Leader of the Opposition indicates clearly that bullying, cajoling and threatening people is no way to resolve this issue. It is extremely disappointing that the leader of the alternative Government has adopted the position that he expressed this afternoon in the Parliament. That is the reason that the former Premier is now in Opposition. We will not resolve this problem by threatening people.

In his second-reading speech to this Bill, the Premier indicated clearly this Government's strategy for dealing with native title and the way it works with respect to mining exploration and developing industries. The Premier said that this Government was looking for an honourable outcome that balances the legitimate interests of indigenous Queenslanders with the need for a secure environment for mining development.

Mining, as we all know, is an important economic driver for this State. Mining contributes around \$400m directly in royalties to the State Treasury and many millions more in direct and indirect economic benefits. On the other hand, indigenous Queenslanders have certain land title rights guaranteed to them by the High Court and by the Commonwealth Native Title Act. These set the standards for all States to follow. It is important that I remind the House of the history of the native title debate because it is important to understand the mistakes of the past in order to avoid making them in the future.

European explorers visited the Australian continent as far back as the early 17th century, and possibly even earlier. Although there clearly were inhabitants in Australia, early explorers adopted the doctrine of terra nullius or, as we know it, the land belonging to no-one. This doctrine, of course, made it easier for European settlement. Colonial powers simply claimed parts of Australia and ignored the possible existence of legal rights of the indigenous peoples of this land. Early Governors such as Arthur Phillip tried to treat indigenous people well, but there were clashes of cultural differences which led to subjection of indigenous people.

Native title has been recognised in British common law for over 200 years. New Zealand, Canada and the United States of America have long recognised that two land tenure systems exist in their countries, the first one being freehold and leasehold titles following from the colonising of the British system, and the second one being native title arising from the pre-existing indigenous system. However,

in this fair country of ours, this recognition had never occurred. This state of affairs lasted for over two centuries until the historic Mabo decision of 3 June 1992.

Madam Deputy Speaker, may I just interrupt my speech to acknowledge in the public gallery the children from St Patricks College from Winton who are down here for a week. In particular, I acknowledge my young nephew Joshua Twist as well as the teachers of that school. I understand that some of the parents are with them. I trust that they enjoy their stay with us. I understand they are off to Dreamworld and Sea World later in the week, so I hope they enjoy their stay. I am sure those places will be far more enjoyable than sitting in the gallery today.

To continue my contribution in this debate, I point out that it is important for us to recognise and it is important for the Leader of the Opposition and the Opposition to recognise that the High Court found in Mabo that native title continued to exist, despite the European model of land tenure imported to Australia by the British legal system. The doctrine of terra nullius was therefore declared invalid. The Commonwealth Native Title Act of 1993 attempted to reconcile the High Court Mabo judgment with European land tenure systems. Then the Wik judgment of 1996 found that native title could continue to coexist with pastoral leasehold. This, of course, has particular significance for Queensland in view of the large areas of the State under pastoral leases.

The Commonwealth Government's 10-point plan was an attempt to deal with Wik. The Commonwealth had to deal with the legitimate demands of the pastoralists for certainty, the legitimate expectations of the indigenous people for legal recognition of native title and from other legitimate interests, such as the mining sector, to carry on with their business. The 10-point plan passed the responsibility to the States to deal with native title in their own separate ways, provided that they conform with the basic standards laid down by the Commonwealth Native Title Act.

This is an important issue because no State can implement its own native title regime without the agreement of the responsible Commonwealth Minister and the Senate. In late July the Premier introduced into this House as the very first piece of legislation of this Government the Native Title (Queensland) State Provisions Bill, which confirmed the extinguishment of native title on all tenures that gave exclusive possession. The Bill also guaranteed the validity of the intermediate

period, that is, land management decisions made by the Goss and Borbidge Governments between 1 January 1994 and 23 December 1996. This was the interval between the implementation of the 1993 Native Title Act and, of course, the Wik decision itself.

That first piece of legislation that we introduced gave certainty to many Queensland leaseholders, despite what the Leader of the Opposition has said, but it has done that at the expense of some native title interests. The Premier has acknowledged this fact and has acknowledged the need for an honourable balance in the way the State Government deals with native title in its legislation, setting up a process for integrating native title in our general land management systems. This Bill before the House this afternoon deals specifically with the issue of mining exploration permits and mining development approvals. Other legislation that the Government will bring forward will deal with other aspects of land management systems.

For the benefit of the Opposition, can I just explain the concept of what an honourable balance is? It is important to explain that, given the history of the debate at this current juncture. As the Premier indicated in his second-reading speech on this Bill, it means we have to take into account at least five factors, and these factors are—

1. that native title exists and must be respected;
2. that mining benefits the whole community—the State owns the mineral resources and issues licences for the development;
3. that mining is very important to the Queensland economy and for jobs growth in this State;
4. that negotiation is a far more effective way of dealing with native title issues than having recourse to litigation; and
5. that anything Queensland does by way of legislation, as I have said, needs Commonwealth approval.

These factors have guided the development of this legislation now before the House, and I am sure that other speakers will comment on them at a later date. However, there is a sixth and equally important factor and it is the way the Government has gone out of its way to consult all major stakeholders in the development of the legislation: the Queensland Mining Council, the Queensland Indigenous Working Group and organisations

representing pastoralists, the small mining sector and the commercial fishing industry. This consultation has included public meetings in several major regional cities.

The consultation began long before this legislation was drafted and has continued beyond the point when it was introduced into the House a fortnight ago. The Premier specifically asked for comment on the detail of the Bill, and he has assured me that all major stakeholders have taken the opportunity to put forward their case. It is critical that all of us in this Parliament understand the background to this legislation and this Government's approach to it. The Government does not wish to relive the mistakes made by the Opposition when it held power in ignoring the lessons of the past in dealing with the issue of native title.

Understanding native title means not being afraid of it. Understanding native title means not running away from it. Understanding native title means not responding to the hysterical or with a closed mind, as we have seen from the Leader of the Opposition in his contribution this afternoon. It is a fact of life. It is a part of the legal system, and this Government will deal with it accordingly in the best interests of all Queenslanders.

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (4.09 p.m.): I rise to speak to the Native Title (Queensland) State Provisions Amendment Bill (No. 2) of 1998. I will firstly outline what we do accept as fundamental. We accept the existence of native title and its legitimacy as defined by the High Court in the Mabo case and elaborated in the Wik decision. We accept that indigenous Australians do have a special relationship with the land, and in any development we should be cognisant of and sensitive to that fact.

We accept that the Crown, on behalf of all citizens, retains an absolute right to mineral resources. This position is not held in all jurisdictions. For example, in many jurisdictions of the United States mineral rights tend to go with land ownership. Under such a regime, the recognition of native title may lead to a completely different set of outcomes.

When it comes to mining, we accept that all titleholders—freehold, pastoral leases or native title—are entitled to a minimum set of conditions. They are entitled to be notified about any application, to a right to object, to be consulted, to mediation, to a hearing by an independent body, to a judicial review, to be appropriately compensated and to heritage protection. By section 43A, the Federal Parliament has empowered the various

Parliaments of the States and Territories to do just that.

This Bill does take advantage of the processes put in place in the revised Federal legislation for exploration, fossicking and prospecting, as well as for gold and tin mining, and opal and gem mining. But when it comes to the major mining activities, this Bill fails to take full advantage of the most critical section of all, which is section 43A. The Premier cannot come into this House and bemoan the slowdown in mineral exploration and extraction over the past three years and then pass legislation which will only compound the problem. It is time for this Government to take some action to move forward. Already the business community is frustrated by the lack of initiatives this administration is bringing forward. It is largely surviving on the projects developed under the previous coalition Government. Of course, that will not last forever.

Amendments will be moved during the Committee stage to try to make this misconceived Bill workable, for if it passes in its current form it will harm rather than help the mining industry and will act as a further impediment to job creation in Queensland. Once again, the Premier has failed the people of Queensland by producing a Bill aimed at pleasing sectional interests rather than at advancing the State's economy.

Under section 43A of the Federal Native Title Act the State is given the ability to remove the shackles placed on the mining industry by the right to negotiation process. This Government has a duty, if it really cares about jobs—especially jobs for those most in need in our remote localities—to pick up the baton and run with it. Instead, the Beattie Government has failed this most basic of tests and, ironically, for no good reason.

It would be naive in the extreme to characterise the right to negotiate process as simply a procedural right. Any person involved in the mining industry knows that this process has very little to do with genuine negotiation. Time is money, and the ability to hold up the process becomes a power bargaining chip—not for the type of outcomes originally envisaged but for the economic and social requirements of a particular group in a particular locality.

It also could be said that the right to negotiate process was and remains inherently unfair as it imposes on one sector of the community—namely the mining sector—an undue responsibility to provide for the economic and social needs of our indigenous

peoples. It abrogates this and any Government's social responsibility and replaces it with private responsibility for solving social problems.

As I said, the revised Federal legislation has in a number of respects revised the right to negotiate process. Indeed, from 30 September this year, as I understand it, the right to negotiate process no longer applies to any of the following kinds of mining grants: where an indigenous land use agreement states that the right to negotiate is not to apply to the grant; if the grant is for the sole purpose of constructing infrastructure associated with mining; certain renewals of mining leases; those specially covered by an earlier right to negotiate agreement or determination; and within the intertidal zone.

In addition, in accordance with points 6 and 7 of the 10-point plan, the revised Federal legislation allows the States and Territories to introduce provisions as an alternative to the right to negotiate process. Any State or Territory alternative provision has to be approved, as stated by the previous speaker, by the relevant Commonwealth Minister. Alternative State and Territory schemes can replace the right to negotiate in relation to exploration, fossicking and prospecting, under section 26A; gold and tin mining, under section 26B; opal and gem mining, under section 26C; and mining grants and compulsory acquisitions on current or former pastoral lease land or land the subject of a Crown reserve that is in use, and mining grants within a town or city, under section 43A. In addition, the State can also seek approval under section 43 from the relevant Commonwealth Minister to apply a right to negotiate under its own legislation, provided such a scheme meets the criteria set out in the various sections of the Commonwealth Native Title Act.

In short, under the Federal legislation there is ample scope for Queensland to legislate so as to avoid the problems, delays, costs and uncertainties of the right to negotiate process, at least so far as the vast bulk of mining activity is concerned, while still giving native titleholders, and even native title claimants, an appropriate and fair say. Has the Government taken advantage of this opportunity? Unfortunately, the answer to this is a resounding no.

The Premier has characterised the section 43A approach as minimalist. For the benefit of honourable members, it is worth outlining what section 43A actually requires, as distinct from what the Premier claims. Before any

alternative State provision legislation can be approved by the relevant Commonwealth Minister, that Minister must be satisfied under section 43A(4) of the following matters.

First, the legislation must contain appropriate procedures for notifying any registered native title claimant, any registered native title body corporate and any representative Aboriginal/Torres Strait Islander body that an act to which the provisions apply is to be done. Second, the legislation must give any claimant or body corporate the right to object, within a specified time period after the notification, to the doing of an act so far as it affects their registered native title rights and interests. Third, if the act deals with compulsory acquisitions, it must provide for consultation, including mediation, between those claimants and bodies corporate who object and the State about ways of minimising the act's impact on registered native title rights and interests in relation to the land or waters concerned.

Fourth, in any other case, it must provide for consultation, including mediation, between those claimants and bodies corporate who object and the person who requested or applied for the doing of the act, about ways of minimising the act's impact on registered native title rights and interests in relation to the land or waters concerned, including access, or the way in which anything authorised by the act might be done. Fifth, if any person objects under the second point outlined above, it must provide for the objection to be heard by an independent person or body. Sixth, it must provide for judicial review of the decision to do the act.

Seventh, it must provide that if the independent person or body hearing any objection outlined in the fifth point I made makes a determination upholding the objection or that contains conditions about the doing of the act that relate to the registered native title rights and interests, the determination must be complied with unless the State Minister responsible for indigenous affairs is consulted, that consultation is taken into account and it is in the interests of the State not to comply with the determination. Finally, if the act deals with certain compulsory acquisitions, the alternative State provisions confer on each claimant and body corporate procedural rights that are not less favourable than those they would have had on the assumption that they instead held ordinary title to any land concerned and to the land adjoining or surrounding any waters concerned.

Any legislation conforming with all of those requirements could not, in my opinion, be characterised as minimalist. The legislation passed by the Northern Territory Parliament and being considered by the Western Australian Parliament is not minimalist but represents a fair balancing of the rights and responsibilities of the various parties.

The Federal legislation is quite clear. Under section 43, provision is made for the State to manage the right to negotiate on unallocated State land. In addition, section 39 of the Federal Act sets out at some length the type of matters that have to be dealt with as part of the negotiation process. It is clear that the Federal Parliament envisaged that the right to negotiate would continue to exist in both Federal and alternative State legislation only with respect to land on which native title would have survived to the maximum degree. It would be reasonable for the Federal Parliament to assume that on land that has not been allocated by the Crown for use, common law native title would have the maximum chance of survival. But in addition, as I have said, the Federal Parliament, under section 43A, has also allowed the States and Territories to legislate alternative provisions that are less rigorous, but still extensive, with respect to those lands where it is reasonable to assume that there has been greater disruption and the chance of pristine native title existing is much less likely.

Under section 43A there is no obligation to negotiate but, rather, an obligation to consult, and this is where the Premier's legislation has gone off the rails. He has claimed that section 43A imposes only minimalist requirements and that to adopt the Federal guidelines would increase the risk of litigation. The Premier's suggestion is wrong and, indeed, provocative. There is absolutely no question that, whatever legislation passes, certain Aboriginal groups will complain about it and possibly challenge it. As the Premier now knows, one group is threatening to legally challenge his own Bill. But the real question is not whether a statute passed by the House will be challenged but, rather, what the chances are of a successful challenge. If the Premier has any advice to the effect that section 43A is unconstitutional, he should table it now. If he has any advice that his legislation is immune from challenge, he should also table that advice. However, I do not expect that he does. If he does not have such advice, then he should desist from making silly claims and be honest and up front about his motives.

The reality is that the Premier has sold out the mining industry of Queensland. He has

introduced legislation that will impose extra cost burdens and extra and unnecessary processes simply to placate certain sectional interests. I might add that this legislation does nothing to advance the needs or the aspirations of the vast majority of Aboriginals and Torres Strait Islanders. What the Premier's legislation does is impose a section 43 right to negotiate regime almost across-the-board. The Premier claims that this will not be so bad, because the Government will limit the issues that must be negotiated in relation to section 43A tenures. He has claimed that they will be limited to matters which practical experience has shown are the most critical for "on the ground"—to quote the Premier—negotiations. Well, if that is the case, then his view is certainly not shared by everyone. Indeed, any person reading the Bill will see that the matters that fall within the obligation to negotiate are potentially unlimited.

One of the difficulties with this Bill is that there are only 15 clauses, despite the fact that it is 150 pages in length. It is another indication of the way in which this Bill has been developed and the unnecessary pressures that must have been placed on the Parliamentary Counsel drafting it. Certainly from the viewpoint of this House, it is less than desirable to have a Bill that inserts more than 230 new sections into the Mineral Resources Act but has only 15 substantive clauses. In these circumstances, I will refer specifically to a section proposed to be inserted in the Mineral Resources Act.

Section 590 sets out the content of negotiations for a modified section 43A process. Subsection (1) says that subsections (3) to (5) apply the requirement to negotiate. But if one reads subsection (2) one sees that it provides that the subsection in which this provision is found does not limit the requirements that apply for negotiation. Moreover, the subsections offer little guidance. For example, subsection (3) says that a party must make every reasonable effort to reach agreement. In fact, I note that in the Explanatory Notes accompanying the Bill this is interpreted as "negotiating in good faith". It is this terminology that has led in the past to so much litigation. Subsection (4) says that a consultation and negotiation party is not required to negotiate about issues unrelated or unconnected to the proposed mining lease. I would think that this provision offers no guidance whatsoever to a mining company and will result in unnecessary legal action before its parameters are made clear, or at least clearer.

Finally, subsection (5) says that a consultation and negotiation party is not required to negotiate about matters unrelated to the impact of the proposed mining lease on the registered native title rights and interests of registered native title parties. Again, the same sort of comment could be made about the vagueness of this proposal. The only other sort of guidance that I could find existed in section 594, and even that section did not advance the matter much further. So I would say to the Premier that the obligation to negotiate under this Bill on mining developments on section 43A tenure is potentially open ended. Far from excising lawyers from the native title process, I think that the way in which this Bill is drafted will encourage litigation, if for no other reason than to provide some guidance as to where the obligations and the rights of the various negotiating parties start and finish.

The Premier knows full well that the imposition of a section 43 right to negotiate on section 43A tenures will potentially cost Queensland millions of dollars in lost mineral activity. For a man who claims to head a Government that is obsessed by jobs, jobs, jobs, he is, in fact, leading the State down the path of economic ruin.

Mr Fouras: You can do better than that. Come on!

Dr WATSON: We will see exactly where the State is economically in 12 or 18 months' time.

Mr Fouras: Are you saying that you are right? Do you really want that?

Dr WATSON: No, I do not want that. I am just saying what it will lead to. During the Committee stage, the Leader of the Opposition will be moving amendments designed to overcome some of these problems. However, it is clear that if the Bill is not amended and a modified section 43 approach is applied across all land tenures, and it is not limited to unallocated State land, mining development will be stymied and the industry will be rendered less competitive in comparison with both interstate and overseas developments.

This brings me to a final issue. In trying to talk up his half-baked proposal, the Premier has publicly said that he will be talking to members of the Senate and the Western Australian Upper House. I draw the attention of the House to the Premier's press release of 30 October, wherein he says—

"I will be briefing and seeking support from the two Queensland Independents, Kim Beazley, the Federal Government,

Senators and the Upper House in Western Australia."

That is nothing short of code for saying that he will be seeking to block the Western Australian Bill in the Western Australian Legislative Council and the Northern Territory legislation in the Senate. What an absolutely pathetic thing to do. Why else would the Premier be lobbying senators, Kim Beazley and, of all people, members of the Western Australian Upper House?

Mr Beattie interjected.

Dr WATSON: I do not think the Premier is that powerful, but he would probably like to think that he is. I say to the Premier that there is just one thing wrong with that very destructive strategy. He will not get Queensland moving by tearing down other States. Rather than trying to stay competitive by undermining other States' legislation—a distinctively negative tactic—we should have been looking to positive legislation in Queensland, allowing Queensland mining companies to compete in a vibrant environment. The Leader of the Opposition, in his amendments, will be providing the Premier with the appropriate lead.

Mrs LAVARCH (Kurwongbah—ALP) (4.28 p.m.): I have listened to the contributions of the Leader of the Opposition and the Leader of the Liberal Party during this debate this afternoon. They took me back to my primary school days. When I was at school—mostly in south-east Queensland, but for a short period interstate—I remember learning about the great industries that made Australia strong. I was told that these industries earned for our nation the foreign income which was vital to our collective standard of living. I learnt of the pastoral industry and how Australia's prosperity rode on the sheep's back. My fellow students and I were taught about the impact on Australia of the gold rushes and how the mining industry was forged. We understood the ethos that surrounded rural Australia. We sang *Waltzing Matilda*, read poems of Henry Lawson and Dorothea Mackellar and formed in our minds a romantic notion of our wide, brown land and the men who tamed it.

What we were not told was the history, culture and life experiences of the land's traditional owners. We were taught little of Aborigines. Although probably well meaning, it was paternalistic and downright wrong. In reality, we learnt a myth. I accept that it is not a myth that Australia's economic fortunes were built on farming and mining, because that is as true now as it was in the 1960s and 1970s

when I was at school. Nor is it untrue that many people struggled hard to make an impression on the difficult Australian terrain. However, we did learn a myth—a myth based on a notion of the rugged outback shaping of what it meant to be an Australian when, in fact, Australia has always been one of the most urbanised nations in the world. Australians are city and town dwellers; they are not rural farmers. That myth was repeated here this afternoon and relied upon by the Leader of the Opposition—a myth the Leader of the Opposition cannot or will not see past.

Of course, contrary to myth, our land was not unoccupied at the time of the British settlement and the subsequent expansion of the beachhead at Sydney Cove. It was occupied by a large number of different Aboriginal peoples. The land was not only occupied by them but also subject to their laws, customs and traditions—customs that meant that they belonged to the land, not that the land belonged to them. I can only imagine what it must be like for Aboriginal Australians to comprehend the impact of being almost excluded by our history. I can only imagine because, in common with the vast majority of Queenslanders, I did not meet Aborigines when I was growing up in Brisbane. I did not meet any, nor did I see any. There were not any Aboriginal children in my class or even at my school. I went to Bald Hills State Primary School. It was only much later that I turned my mind to the position of the land's traditional owners. It was much later in my life before I even spoke to an Aborigine. So, in common with many Queenslanders, I have to imagine.

One of the great speeches delivered by a man whom I believe to have been a great Prime Minister, Paul Keating, asked us to imagine. In December 1992, about six months after the Mabo judgment, Paul Keating addressed a gathering in the Redfern park in Sydney. He said—

"... it might help us if we non-Aboriginal Australians imagined ourselves dispossessed of land we had lived on for fifty thousand years—and then imagined ourselves told that it had never been ours.

Imagine if ours was the oldest culture in the world and we were told it was worthless.

Imagine if we had resisted this settlement, suffered and died in the defence of our land, and then were told in history books we had given up without a fight.

Imagine if non-Aboriginal Australians had served their country in peace and war and were ignored in history books.

Imagine if our feats on sporting fields had inspired admiration and patriotism and yet did nothing to diminish prejudice.

Imagine if our spiritual life was denied and ridiculed.

Imagined if we had suffered the injustice and then were blamed for it.

It seems to me that if we can imagine the injustice we can imagine the opposite.

And we can have justice."

What Paul Keating was saying is that we can have justice if we can imagine the opposite of oppression, dispossession and ridicule. The Bill before the House offers some hope that we can reach that justice, not because it is a Bill that is underpinned by idealism but, rather, because it is based on pragmatism. It offers hope, not because it purports to overcome the injustices of the past but because it maps a realistic way forward for the future.

The Bill tackles what is the most difficult of the many difficult issues thrown up by the Mabo decision: it tackles the relationship between native title rights and the community's economic interests—the relationship between native title and mining. I believe this is the most difficult issue because the problems are real but the opportunities are great. It is more difficult than the relationship between native title and the pastoral industry as the issues there are as much perception and emotion as they are real.

In the case of pastoralists, the position is straightforward: where native title coexists with the right of pastoralists, then the right of the pastoralists prevail. The pastoralists might express a legitimate concern that there exists now an uncertainty that was not apparent prior to the Mabo decision. The pastoralists may not know who native title holders are and what is the nature of the native title rights. That is quite true. But, in the final analysis, that is far less important than knowing what your rights are as a pastoralist. The Wik decision and the 10-point plan amendments make it clear that those rights are extensive and they prevail unimpeded by whatever native title rights might or might not ultimately be declared to be. The situation for miners, however, is quite different. The law asks that miners negotiate with native title interests both for the grant of a right to mine and the compensation that flows from the grant of the interest. It is the operation of the right to negotiate that has attracted much attention in the public debate surrounding the Native Title Act and which is at the core of this Bill.

To understand the Bill, it is necessary to understand a little about the right to negotiate. The genesis of the right is the royal commission that led ultimately to the enactment of the land rights legislation in the Northern Territory. The system operating in the Northern Territory provided traditional owners a right to say no to development, a right of veto. It is often pointed out that the Mabo decision did not advocate the provision of the right to negotiate. That is true. It is also true that the Mabo decision did not propose that past statutory titles should be guaranteed validity when some may have been invalidly granted because of the failure to provide basic procedural rights to native title holders.

By necessity, the Native Title Act had to go beyond Mabo and create a balance of competing interests that provided certainty to all statutory titleholders and guaranteed that in the future native title holders should have a say about development on native title land. The Act provided that, but the Northern Territory model was not adopted. No right of veto was provided to native title interests. Instead, native title interests were given a right to negotiate in certain circumstances. Those circumstances were twofold: firstly, when there was a proposal to grant a right to mine; secondly, when a Government proposed to use its powers of compulsory acquisition to resume native title not for a public purpose but for the benefit of a private interest.

This Bill deals with the first category. I understand that changes to State law on compulsory acquisition of native title will be considered in future legislation. There are strong views held on both sides of the debate about the right to negotiate. For Aboriginal people, the right is not a special benefit, but, as explained by the former Social Justice Commissioner, Mick Dodson, in his 1994 report on native title, it is a "minimum requirement which may enable native title holders to have a say about dealings with their land". Miners do not see the right as a minimum requirement but as a right that goes over and above that which is enjoyed by the holders of statutory interests in land.

While the mining industry might accept with some reluctance the right to negotiate applying on vacant Crown land that is subject to a native title claim, it opposes strongly the right applying to coexisting tenures, such as pastoral leases. The resolution of the question depends very much on the view that is taken of native title. If native title is viewed—as it has been done this afternoon by the Leader of the Opposition and the Leader of the Liberal Party and also by the mining industry—as an interest

in land from a different source than a statutory interest but not essentially different in substance, then there is much to the miners' argument. However, by that argument the rights of both a pastoralist and a native title holder should be equivalent when mining is proposed for land. Each should enjoy the same scheme regarding notification, consultation, objection and compensation.

Essentially, these rights go not to the question of whether a mining title should be granted but rather what should be the conditions attached to that title and the compensation to be paid for disturbance to the land caused by the mine. In contrast, native title advocates see the argument in a completely different light. By their argument, native title is far more than an interest held in land; it reflects the very nature of Aboriginal culture and societal structure. It is a far more precise right than a lease that permits particular activities to take place on land. If that is the case, then it is short-changing native title to argue that native title holders and registered claimants should have a right that is equivalent to the far lesser interests in the land. Of course, pastoralists do not see their leasehold interest being of lesser weight than native title interests. As I have explained earlier, both the common law and the Native Title Act provide that pastoral rights are to prevail over native title rights.

The Bill before the House does not attempt to settle these questions, which are as much moral and philosophical as they are legal. Rather, it accepts the Commonwealth's starting point as found in the Native Title Act and devises a Queensland compromise. The opponents of the Bill allege that the Bill will either water down the right to negotiate too much or make the right too freely available. I believe that neither allegation is correct. The Bill allows the right to negotiate to be accessed over so-called alternative area land. This is land where native title might coexist with statutory interests, such as a pastoral lease. The Commonwealth legislation permits the States to create a regime that will replace the right to negotiate with a consultation and objection right. To cast this decision as tilting the balance in favour of Aboriginal interests is to ignore the very significant changes in the native title scheme that reduce the occasions on which the right to negotiate can effectively be accessed when compared with the situation prior to the 10-point plan.

The changes were identified in the report of the Scrutiny of Legislation Committee, which I tabled this morning. The analysis shows that the right to negotiate will be wound back in six

major ways. In short, these are, firstly, through the new registration test processes making it more difficult for claims to be registered and, hence, gain potential access to the right to negotiate. Secondly, the confirmation of extinguishment of native title by exclusive possession tenures means that claims cannot be registered over grazing homestead perpetual leases. These are not insubstantial broadacre holdings in the State and cannot now be subject to the right to negotiate. Thirdly, low-impact exploration is removed from the right to negotiate. Although this outcome was envisaged under the original Native Title Act, in practice the exclusion was not in place in Queensland.

Fourthly, high-impact exploration is excluded from the right on alternative area land. Under the old regime, such exploration would have triggered the right to negotiate over both coexisting tenures and not allocated State land that is subject to a registered claim. Fifthly, gold and tin mining is excluded from the right to negotiate by provisions in this Bill. The old Act makes no distinctions based upon the type of mining operation or the kind of metal mined. Sixthly and finally, the right to negotiate's application to cases where compulsory acquisition of native title is involved is narrowed. Although that is not relevant to this Bill, it does illustrate further the background to which the Bill's treatment of the right to negotiate should be judged. This analysis shows that it is misleading to focus only on the application of the right to negotiate on alternative area land and ignore the other changes in the law that will narrow the ability to access the right.

In an earlier debate on native title I commented on how the Howard Government, with its new Native Title Act, has created a highly complex scheme. In comparison, the old Act is akin to the Trade Practices Act, which depends upon statements of general principle, while the new law is like the highly prescriptive Income Tax Assessment Act. The complexity is reflected in the Bill. Distinctions can be drawn between different types of mining on different kinds of land. Although there is a genuine effort to combine processes, the path one ends up on depends on a range of variables. I do not share the Premier's optimism that the Bill will starve the lawyers.

In short, the Bill provides that exploration will not trigger the right to negotiate but will in high-impact cases invoke an objection and consultation process. For mining itself, the right to negotiate will be triggered regardless of whether native title has been constrained by

coexisting statutory tenure. However, the paths will separate at the tribunal determination stage between alternative area land and not allocated State land. The factors that the tribunal must take into account for not allocated State land reflect the full right to negotiate while in alternative area land cases a lesser range of matters must be considered.

Before I leave the right to negotiate, I would like to clarify a misconception that the Leader of the Opposition and his deputy, the member for Toowoomba South, Mr Horan, seem to be labouring under in relation to the Chevron gas pipeline project and the application of the right to negotiate. On several occasions the Opposition has posed questions to the Premier which have as their premise that the Government, while in Opposition, supported the Chevron project pursuing amendments to the Native Title Act that excluded the right to negotiate from applying to that project. The truth is that, under the old Native Title Act, the right to negotiate did not apply to the acquisition of native title rights under the provisions of the Queensland Petroleum Act. Amendments to the Commonwealth Native Title Act proposed by both the Howard Government and the Senate had the net effect of changing the law so that the right to negotiate would apply to the project when previously it did not. I am advised by the company's advisers that the objection of Chevron was not to the right to negotiate applying to the project but to it applying after the process of negotiations had already been entered into and agreement reached with traditional owners. In other words, the company was seeking a transitional amendment that would allow the existing law to continue to apply to the advanced state of native title negotiations.

In any event, the Native Title Act, as amended by the Commonwealth, had the effect of maintaining the existing outcome in regard to the right to negotiate. That is, it did not apply. It should be noted that the company's objection was not to the right to negotiate. I repeat, its objection was not to the right to negotiate, but to the law changing at such an advanced stage in the process. To suggest otherwise is mischievous and misleading.

In conclusion, I believe that the Bill is worthy of support. It offers a pragmatic and sensible way forward. It does not pander to the interests of miners without having regard to the genuine and proper interests of native title holders. By the same token, it understands the community's interest in achieving reasonable economic development. It does so in a

framework that emphasises the processes of agreement, discussion and mediation. It gives proper recognition to competing interests and comes to a balanced outcome. I congratulate the Premier on achieving all of this in such a short time frame. I commend the Bill to the House.

Mr HORAN (Toowoomba South—NPA) (Deputy Leader of the Opposition) (4.47 p.m.): The hypocrisy of the minority Labor Government and the Queensland branch of the Australian Labor Party on the right to negotiate, and particularly the hypocrisy of the Premier on that right, is nothing short of absolutely extraordinary, and for it the Premier deserves to be exposed.

We have a Bill that would impose on every major mining project in this State Paul Keating's right to negotiate. However, the member for Brisbane Central wanted an exception, and a spectacular exception. Of course, I am referring to the very important Papua New Guinea gas pipeline, or Chevron project. If the Premier had his way, one project in this State—just one project in this State—would get an exemption from the right to negotiate that Labor wants to foist on every other major project in this State. That is discriminatory, unjust and unfair. It pulls the rug totally out from under the Premier in relation to what he says he is trying to do with this legislation: to be non-discriminatory, to be just and to be fair. By the Labor Party's explicit admission, the PNG gas pipeline project—

Mrs LAVARCH: I rise to a point of order. I have just explained to the House that the background—

Madam DEPUTY SPEAKER (Ms Nelson-Carr): There is no point of order.

Mr HORAN: By the Premier's very behaviour, this is a classic example of why the right to negotiate is an absolutely destructive nonsense. The pipeline is a gas project stretching from Kutubu in the eastern highlands of Papua New Guinea across the Torres Strait, right down Cape York, past Cairns and then along behind every major coastal regional centre in the State—Townsville, Bowen, Mackay, Rockhampton, all the way down to Gladstone in the first instance and possibly, over time, down past Bundaberg and Maryborough, perhaps even to Brisbane and maybe even in the longer term to Sydney. It is an extraordinary and important project supported by both the coalition and now the Labor Government. The pipeline will be hundreds of kilometres long. On the clear precedent of what has happened in this State in recent years, one could imagine the number

of native title challenges that such a project would attract. Under the plan that Labor wants to foist on every other developer in this State, it simply would not happen. Labor knows that it would not happen.

Today the Government of Queensland cannot even build a power line running a couple of hundred kilometres from Gunpowder to Century in the north-west to power up the biggest zinc mine on the planet because of the native title laws favoured by the Australian Labor Party in this Parliament. Today the Government cannot even build a single bridge over the Gregory River to provide all-weather access to Century because of Labor's laws in relation to native title. Both projects are still tied up by the policy and the law on native title visited upon this country by members opposite, who now want to widen its reach. They want to widen its impact and its ability to delay with one exception, which is the gas pipeline from Papua New Guinea. If, thanks to Labor, we cannot build a couple of hundred kilometres of power lines and if we cannot build one bridge over one river, what hope do we have of being able to construct a pipeline that will run for hundreds of kilometres across the Torres Strait, home of the Mabo claim, down Cape York, home of the Wik claim, and down the entire seaboard of the State through at least 16 distinct Aboriginal groups? Of course, the answer, which is clearly accepted by members opposite, is Buckley's chance. That is the fate awaiting Chevron, because the Labor Party in Canberra denied the Commonwealth the ability to exempt all such projects from the right to negotiate. That is the irony, and it is further proof of the hypocrisy and the insincerity of those opposite.

In the Senate the Labor Party refused to back the proposition that no project like Chevron should face the right to negotiate. Then we had an extraordinary set of events. Using consultants, Chevron lobbied the Labor Party in Canberra to protect that particular project from the right to negotiate that Labor was insisting every infrastructure project like it had to face. During the second Senate debate on the Commonwealth's Wik amendments in April, Michael Lavarch, who was one of the architects of the original right to negotiate when he was Attorney-General in the Keating Government in the early 1990s, and Ross Rolfe, who was the Director-General of the Environment Department of the Goss Government, went to Canberra looking for an exemption from Labor's right to negotiate for this one project, the Chevron project. Of course, they got it. They got an exemption from the right to negotiate for this particular

project because the Labor Party knew that the right to negotiate had the potential to destroy this important project. What a funny and unethical way for the Labor Party to do national business of such importance. On the one hand, it followed a so-called party principle on policy but, for whatever reason, it was prepared to make this one significant large exception. Why just one? What about all the other projects that contribute to economic growth and jobs? The ALP could have supported the coalition, and not only Chevron but also all other important projects would have had the same rights.

On the morning of Thursday, 9 April 1998 in Canberra, Senator Nick Bolkus, fresh from insisting on a right to negotiate for private infrastructure projects—so he must have almost choked on his own hypocrisy—did the bidding of the Queensland Labor Party and the consultants. He sought a special and unique exemption from the right to negotiate for the Chevron project. Senator Nick Minchin, who was leading the debate for the Government in the Senate, picked it in one when he said—

"This eleventh hour—or ten past midnight—amendment by the ALP frankly is nothing more than an admission by the ALP that the right to negotiate process is completely inappropriate for private infrastructure projects like the Chevron pipeline. We want to see that go ahead and we understand the enormous problems that the right to negotiate would present for completing a project of that kind. This simply demonstrates exactly what we have been saying all along—that these sorts of projects will be bogged down for years if they have to go through the full-blown right to negotiate process. This amendment would be completely unnecessary if the ALP had supported us in ensuring that ordinary procedural rights applied with respect to native title holders and private infrastructure projects.

So we regard this as quite a remarkable proposition. These sorts of project specific amendments are never all that attractive. We want that project to proceed. We believe that our amendments would have facilitated that, as it would with many other private infrastructure projects all over Australia. Are you saying that we should go along just having these sorts of exemptions from the right to negotiate process from every major private infrastructure project that you can think of or that you get correspondence about? In that case, you

should have supported our amendments in the first place."

I say "hear, hear" to those profound words from Nick Minchin, because he got it precisely right when Labor snuck this amendment into the Federal Parliament in the dead of night to save a single project from the madness of the right to negotiate. He got it exactly right—it was absolute hypocrisy. It was a clear admission of the damage that, in their own judgment, their right to negotiate policy can and will do.

This incident reveals a number of things about the members opposite that are not readily apparent from the ostensibly high-principled way in which they seek to present this Bill to the Parliament. First and foremost it reveals the Bill as a massively dangerous sham. Members opposite are so aware of the danger that the right to negotiate presents to the viability of projects such as Chevron that they seek an exemption for a particular project. That also highlights that the right to negotiate is an issue that will affect not only miners, as huge as that impact will be. Labor's right to negotiate will impact not only on mining projects on pastoral lands in this State. As the Chevron issue shows, it will also impact on infrastructure projects.

Under the original Native Title Act there were really only two intended areas of impact of the right to negotiate. One was where mining was proposed on native title land that was presumed to be constrained back in 1993 to vacant Crown land. There was to be a right to negotiate where native title rights were compulsorily acquired by Government for the benefit of a third party. Public infrastructure projects built by a public sector entity were exempt, but amendments moved by the Commonwealth Government in the Senate provided a sensible proposition in relation to those third-party projects, and that was opposed by the Labor Party. The proposition was that there be an exemption from the right to negotiate for what has become an increasingly common phenomenon right across the country, which is the construction of infrastructure of benefit to the general public—even if, strictly speaking, it is not a public infrastructure project—by the private sector. That covers projects such as the Chevron gas pipeline.

The argument for those amendments, which clearly the Labor Party agrees with, is that projects like Chevron, while being totally commercial—that is, private projects—have the obvious potential to be of significant benefit to the general public in terms of the development they foster and the jobs they create, let alone

in relation to the potential for more straightforward public benefits such as town gas supplies and the like. Ironically, this was a form of construction of public works or works that would have a public benefit in this State that, at least on paper, was championed by the Labor Party the last time it was in power in this State. Some honourable members will recall that the former member for Logan, when Premier, and the former member for Cairns, when Treasurer, championed the concept of privately constructed public infrastructure. That is another contradiction and another piece of hypocrisy. The real point is that the general public of this State will suffer as a result of the hypocrisy of the Labor Party over the right to negotiate, not only because of the flow-on impact on mining but also in relation to the provision of basic as well as flow-on services from the infrastructure projects that are increasingly commonly built by third parties. I have used gas and the Chevron gas pipeline as an example.

There are, of course, other equally strong examples in relation to gas that underscore the hypocrisy of members opposite. One is the south-west gas pipeline, which was completed late last year to supply Brisbane. Another is the Ballera to Mount Isa gas pipeline that is now servicing the energy needs of the north-west minerals province. The south-west gas project was a crucial gas connection between the fields in the far south-west at Ballera into the main pipeline to Brisbane near Roma. Brisbane had been getting its gas from the Bowen Basin, but flows were declining. In 1996, the coalition faced a race against time to get that pipeline built to tap into south-west reserves before Brisbane ran out of gas. That was on the cards in the early months of 1997, because the former Labor Government had behaved in relation to this project as badly as it had behaved in relation to the power industry, with its typical neglect and do-nothing attitude throughout the early nineties. Brisbane was running out of gas. The former Labor Government had sat on its hands and left a start too late, and the coalition had to deliver that project by the end of 1997 or the capital city would have run out of gas. We did it, but only just.

We negotiated the cultural heritage issues across almost 800 kilometres of the State, and that project was delivered in the nick of time thanks largely to the superb work of some public servants who had developed great expertise in the area of Aboriginal consultation and had gained the trust and the cooperation of the Aboriginal groups, the Aboriginal communities and their leaders, particularly on

the Goolburri Land Council. That council was crucial to the success of the project, as was the company Tenneco, as it was then known, which was the constructor.

Today, under the Labor Party's approach to the right to negotiate, that pipeline would attract a right to negotiate. It would not be a matter of a cultural heritage clearance, with absolute regard to the issues of Aboriginal sacred sites and the like. It would not be a matter simply of cooperating with Aboriginal people over every inch of the route to ensure that damage to country that was sensitive to them was absolutely minimal. It would be a full-blown right to negotiate. I would lay London to a brick that Brisbane would have run out of gas early this year if the approach of the member for Brisbane Central to the right to negotiate had been in place.

We would not have been able to build it in the timely fashion we did, and with absolute regard to the rights of Aboriginal people; the lawyers would not have let it happen. Once we get into the right to negotiate arena—and the countryside is now littered with powerful examples—we open Pandora's box and the lawyers flood in. Exactly the same applies to the north-west project, the gas lifeline for the north-west minerals province, via Mount Isa, which was again constructed in the life of the coalition. Again, around 800 kilometres of pipeline were laid in record time, culturally cleared in record time, and built giving full respect to Aboriginal concerns, in full fairness to the Aboriginal people and all Queenslanders. Under the Labor right to negotiate regime, that project, too, would now have to go through a full-blown right to negotiate, because it is a project that was built by the private sector.

We simply could not get that done under the regime that the Labor Government now wants to impose. The proof of that is that members opposite agree, as reflected in their attitude towards the Chevron gas pipeline. It could have been even worse if Labor had had its way fully in relation to the right to negotiate. Some honourable members even on the other side of the House may be as dismayed as members on this side of the House are that Labor sought in the Senate of this nation even to make publicly built infrastructure subject to the right to negotiate. That is what it wanted to do. If one was doing anything other than maintaining or rebuilding within an existing corridor crucial public infrastructure, one had to go through a full right to negotiate. That applied to any new powerline, water pipeline, gas pipeline and road. Even if they were built

by public money for the public good with public workers, Labor wanted a right to negotiate.

The State would have ground to a halt, and all because the Labor Party takes this extraordinary view—this kindergarten view—that the only way the nation can right the historical wrongs done to the Aboriginal people is to wreck our economy and wreck our public services as some sort of penance. It is too stupid for words. The extraordinary performance of members opposite in respect of the Chevron gas pipeline is totally and absolutely hypocritical and shows their insincerity.

We do not have to be stupid to give the Aboriginal people their due in relation to decisions that are taken in relation to projects. For many years their concerns were ignored. Australians now universally accept that those concerns should be met, and they should be met at precisely the same level that the concerns and rights of any other Australians are met. Some of their concerns are quite different from those that might be held by other groups of Australians, and those particular concerns are to be addressed. The Commonwealth Government has rightly demanded that that occur.

The Senate ultimately determined that it wanted to provide the Aboriginal people with rights that were somewhat greater than those provided to others. We do not necessarily agree with that, but we accept it. We accept that the only viable regime for dealing with projects in relation to native title is what is now Commonwealth law. But even those somewhat expanded rights still approximate the rights available to other Australians. They are, quite openly, limited procedural rights. There is no basis for any more.

This speech has concentrated on the right to negotiate. We have exposed the sheer hypocrisy of the minority Labor Government in Queensland, which wanted—and actively worked to get—freedom from the right to negotiate in respect of one particular project. Why does it not want that freedom from the right to negotiate in respect of all projects in Queensland—all of the important projects that provide not only economic growth and jobs but also public infrastructure and services to this State, which can only be for the benefit of all people, be they Aboriginal people or other Queenslanders who are looking for work, jobs, security and growth? I do not think we have ever seen hypocrisy of this standard before. It is about time that it was exposed. It is about time that the Government did another one of its famous backflips. Let us give a decent

opportunity to every organisation and company in Queensland that wants to undertake public infrastructure projects in this State.

Mr REYNOLDS (Townsville—ALP) (5.07 p.m.): Today it is with a great deal of pleasure that I rise in the House to speak in favour of the Native Title (Queensland) State Provisions Amendment Bill (No. 2). The key objective of the Bill has been recognised as implementing Stage 2 of the Premier's native title strategy by providing for the establishment of a simple, straightforward and workable mechanism to deal with future acts in respect of mining that might affect native title.

A little while ago I heard the honourable member for Toowoomba South speaking about hypocrisy. What hypocrisy and expertise in hypocrisy we have heard today from the Opposition Leader, the Leader of the Liberal Party and the member for Toowoomba South! Once again we have heard remarks from them that are of a divisive nature. It does not surprise us that their remarks are divisive, because we had two and a half years of a Borbidge Government which adopted a divisive and unsuccessful approach to native title. What did that get us? It got us nought in terms of mining projects in this State, in terms of the relationship that any Government should have with indigenous people, and in terms of our stature as a State Government across Australia. The Borbidge Government's record is that of a disgraceful and divisive Government that was opposed to the rights of indigenous Queenslanders.

This Bill before the House today is about a fair and equitable system of native title in the State of Queensland. This is the second stage of the legislation to be introduced. The August legislation was the first stage of the legislation to be introduced by the Beattie Government. As has been indicated by my fellow speakers on the Government side today, there is a need for an honourable balance. That term "honourable balance" is not understood by the Leader of the Opposition and by other Opposition members who have spoken today. This is about an honourable balance—an honourable balance in regard to the rights of the different stakeholders who have sat around the table with the Government for the past two months.

I would like to reflect back to where native title actually started. I happen to have been a friend and a colleague of Eddie Koiki Mabo, a resident of Townsville throughout the eighties when I was mayor of the city. I know that Eddie Mabo went to James Cook University;

he was a person working there. In his hour of lunchtime, he went and studied up on native title in other countries. Of course, it is an Australian historic record now that the "Mabo lead" was taken by Eddie Mabo. Let us remember that that lead came from an indigenous person. It did not come from the Governments of Australia either at a State or Federal level; it came from a member of the indigenous community. That was a hard-fought right by Koiki Eddie Mabo which ended up in the High Court of Australia giving the lead from the High Court—not from the Government, but from the High Court. It is a shame that that declaration from the High Court came after Eddie Mabo died. It was a long and a hard fight for indigenous rights. We first of all saw from that High Court judgment in the Mabo decision a recognition of indigenous native title rights. We then saw in the Wik judgment a further recognition of native title rights in Australia.

I think some of us forget that it has been 210 years since European settlement in this country. We can look back over those 210 years I think with a fair amount of shame in regard to what was not done for indigenous people in this State. We have seen over the past 30 years—and I am going to go on with this in my speech today—some recognition in an incremental way. For 210 years since that European settlement in Australia, we have seen only incremental advances made.

As a member of this House, I listened to the statement of the Leader of the Opposition today that he believes that indigenous people's rights and privileges should be the same as those of the pastoralists. What a joke and what gross hypocrisy that we have heard from the Leader of the Opposition today! If we look at the social indicators that relate to both indigenous and non-indigenous people, we see that indigenous people—and it does not matter what social indicator we look at—are at the bottom rung of every social indicator. I challenge honourable members to tell me one in which they are higher than the bottom rung.

If we look at housing, education, imprisonment, employment, unemployment or health, or if we look at any other social indicator, we see that indigenous people are on the bottom rung.

Mr Nelson interjected.

Mr REYNOLDS: So much for the derision that I am hearing from the One Nation members on my right!

Mr Nelson: You're going to hear a lot more.

Mr REYNOLDS: I am sure I will. I will tell honourable members something. All we hear from the right-hand side of this House from where I am sitting is the inherent racism of their remarks. It is the inherent racism of the One Nation Party's remarks.

Let me say that, as a person representing my electorate in north Queensland, as a person who regularly goes to indigenous communities and as a person who in the last week and a half has been to Palm Island and Yarrabah and listened to indigenous people and their concerns, I can tell honourable members that native title is high in their priority of concerns. In stark contrast to the Opposition's shameless attack in this House today, the Beattie Government has been about consultation. We have had genuine consultation with the Queensland Mining Council, the Queensland Indigenous Working Group, the pastoralists and others who have been concerned with this Bill before the House today. It is fair enough to say that that has been a very difficult period of negotiation. Full marks should go to the Premier and his negotiating team for the work that they have done in putting this native title Bill before the House today.

Let us compare it again with my experience with the Borbidge National/Liberal Party Government which was in power in this House for two and a half years. I want to go back to Easter 1996, when I was Chairman of the Townsville Port Authority. We have heard a lot today from the Opposition members in regard to the Century Zinc project. Let us hear some reality in regard to where they were there. Their attempts to resuscitate and get the Century Zinc project going were scurrilous and scandalous. We saw that, when native title holders wanted to come and negotiate with the Government or wanted to come and negotiate with me as Chairman of the Townsville Port Authority, the Borbidge Government put every wall or divider in the way of that negotiation occurring.

In Easter 1996, as Chairman of the Townsville Port Authority, I wrote to the then Premier, and let me place this on the public record. I wrote to the then Premier with a request that I had been given by all of the native title holders around the Century Zinc project. They wanted me to go to Doomadgee to talk to them about the Townsville port and the role that it could have had in the Century Zinc project. It is a matter of public record that the then Premier wrote back within a few hours of my request to go to Doomadgee and said, "No, we don't agree with negotiation and we don't want you to go." The then Premier was

not about negotiation; he was about a bombastic, divisive attitude when it came to native title and negotiating with indigenous people.

That is just one example of his attitude towards negotiation and consultation with indigenous people. His approach was about scaremongering. We heard about that scaremongering for two and a half years; it did nothing. It got 11 One Nation members elected, but it did nothing for the Borbidge Government, and I believe it will do nothing for the Opposition or One Nation, either. That approach was bombastic and demeaning. It was an approach that was inherently racist. We have heard that bombastic, demeaning and scaremongering approach once again from the Opposition Leader, who I see has sought to join us in the House once again today.

In regard to the mining industry, this Native Title Act embodies a compromise of interests. I believe that the Carpentaria and Mount Isa minerals province, with which I have had a reasonable amount to do as the past chairman of the port authority where much of this product is going, has a huge amount of potential. The mining industry will be able to work within the framework of this legislation. The right to negotiate has been modified and I believe that the Premier has successfully negotiated a piece of legislation that will serve the interests of both indigenous and non-indigenous Queenslanders into the new millennium. It will be an end to the divisive, ugly attacks on indigenous people which were perpetrated by the Borbidge administration and further carried out by the Opposition Leader in his disgraceful attacks on indigenous people in this House today. That to me is a disgraceful situation that has been going on for the past three years. He knows little about it; he cannot even recognise his own attacks.

I grew up in north Queensland. I had about 48 years' association with that north Queensland area. I recognise that the referendum passed by the Australian people in 1967 was a recognition for the first time—and I am talking about 31 years ago—in a 210-year history that the rights of indigenous people in Australia were recognised in any way, shape or form by any Government. In the early seventies, after that 1967 referendum, we saw the achievements of the early days of the Whitlam Government—the setting-up of Aboriginal health services and the establishment of Aboriginal legal services. That was the start of a massive injection of funds into indigenous communities in terms of the very important work that is required.

Is the very true nature of One Nation not coming out today? Does it really not rankle the One Nation members here today that we are actually talking about indigenous rights? We are talking about the 210 years that indigenous people have been trodden on in Australia. Does it not rankle the One Nation members in a very impressive way today?

Twenty-five years ago in Townsville, where I live, one hardly saw a black person in any fair dinkum or genuine employment. The last 25 years have made a tremendous difference to indigenous people in this nation because at last, after decades of shame, it has been recognised that their purpose and role should be one of partnership with the non-indigenous people of Australia. I feel very proud of the 25 years of progress that we have seen under State and Federal Governments, and under the Federal Government of Malcolm Fraser. This disgraceful exhibition today by One Nation shows its true nature.

Mr Dalgleish interjected.

Mr REYNOLDS: The member for Hervey Bay has rarely interjected in this House. He is interjecting today. The true nature of One Nation is really coming out today—its inherent racism and its bombastic, divisive attitude. One Nation members cannot help themselves. We knew that when it came to the native title legislation One Nation members would all interject because their true nature would come out. It is very impressive. I thank them very much.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! This is getting out of hand. I suggest the honourable member address the Chair and that interjections cease.

Mr REYNOLDS: The Bill before the House today is a fair and honourable outcome for all stakeholders. It recognises that native title is an intrinsic right of indigenous people—a right that has been recognised by the High Court of this land. Importantly, it recognises that the true nature of reconciliation must also embody native title rights. That is the fair dinkum approach to reconciliation. This Bill is pragmatic in its nature in that it also recognises the rights of the mining industry and modifies the right to negotiate.

None of the stakeholders today could say that they are completely happy, but I believe the Bill before the House exemplifies the leadership of the Premier in negotiating a fair, honourable and equitable outcome. It recognises the inclusive nature of the Beattie Government—a Government which is determined to protect indigenous rights, a

Government keen to encourage mining development in Queensland, a Government keen to provide jobs for all Queenslanders and a Government determined to ensure that social justice is achieved for indigenous Queenslanders. I commend Premier Beattie on his leadership on this issue and I commend the Bill to the House.

Mr NELSON (Tablelands—ONP) (5.23 p.m.): Today I will move a raft of amendments to the Native Title (Queensland) State Provisions Amendment Bill (No. 2). I will inject a bit of reality into this debate. Reality is something that is sincerely lacking in this House. I will tell the House why this thing cannot "coexist", as the Government likes to put it.

I ask members of the House to picture something. I know that some members on the Opposition side might be able to do it, but members of the Government will have a lot of trouble. I ask honourable members to picture a pastoralist pushing a herd of cattle towards a lake, a lagoon or a billabong—whatever you want to call it—to water them, late in the afternoon, after they have been droving all day. Let us say the cattle start backing up. The drover is trying to push them but they will not move. So he goes around the front to find out what is going on and why they will not go down to the water. Usually cattle will run straight into it. What is down there but a bunch of people hanging around the billabong, and they are not going to move. Why? Because they have native title rights. They do not have to move. The pastoralist says, "I have to get this cattle watered", so he goes and rings the local copper, who could be up to 300 or 400 kilometres away, to try to get some help in this situation.

Mr Bredhauer interjected.

Mr NELSON: The Minister should know; he comes from Cook. He should go and talk to some of the pastoralists up there. Let us just say that the local police officer is in the area and he turns up. I have talked to some senior police about this issue and they do not know what to do. Are they going to stamp all over these people's native title rights so that they get out of the way and the drover can water his cattle?

Ms Bligh interjected.

Mr NELSON: What would the Minister know? How many cattle are there in Brisbane? None! What happens in the situation that I have outlined? They say, "The pastoralists' rights would negate this." That is rubbish! In reality it is completely unworkable and a joke. It

makes an absolute mockery of equality. That is an example of why native title just does not work.

We have heard members opposite talking about terra nullius. What never ceases to amaze me is how people can stand here and tell me what an 18th century naval captain was thinking when he spoke about terra nullius. I say right here and now that the High Court judges must have had rocks in their heads when they made that interpretation of terra nullius. As a person who has studied history, I will tell the House what the 18th century naval captain would have been thinking. These jokes on the Government side of the House who call themselves politicians just will not listen, because this blows all of their theories out of the water.

I will tell the House what terra nullius meant. The captain turned up with a bunch of convicts in the back of his boat and had to get them on the ground somehow. The naval captain, completely taken away from his lines of communication, with no hope of receiving any help whatsoever in determining what goes on, would have looked around for some Government to treat with, which is what he was sent out here to do. I am not saying that the English colonial system was great.

People who read through the naval captain's memoirs will see that he was trying to do the right thing. He was having a go. He would have turned up and wandered around. Any members of the House who have read a book called *The Timeless Land* will understand what I am talking about here. He wandered around to see what he could come up with. He could not find any system of government. That is because, as any real Aboriginal will tell you, they did not have any system of government. They did not have all this wonderful stuff that white man has made up for them. As the member for Kurwongbah rightly said, they were a people who lived with the land. They did not own the land; they were a part of the land.

We have the good naval captain standing there saying, "I do not have anyone to negotiate with. I do not have anyone to draw up treaties with. What can I do?" In his log he put down this 18th century concept of terra nullius. He said that there was no-one here for him to treat with. He was not saying that there was no-one here. He was standing there and he could see that there were plenty of people, but he could not see a system of government for him to deal with. So he said, "There is no Government here for me to deal with", in the hope that one day, in the centuries to come,

some people would wake up to themselves and realise what he was trying to do. Honourable members should put themselves in his situation. He said, "There is no-one here for me to treat with. Therefore, I have to do the best I can under the British colonial system of government."

I will talk about the British colonial system of government and what it has done to many people throughout this world. The British Government in its heyday, under Victoria, just traipsed around the planet, raping and pillaging its way through lord knows how many systems of government and people—including the Irish people, with whom I can claim some sort of multicultural, tree hugging, Left Wing, trendy association. Of all people, the Irish have been wrongly and unfairly dealt with. Today they continue their struggle, as a few members opposite may know.

When I was in Canberra I took time out to visit the people in the Irish Embassy to discuss the issue of land rights. I said to them that my great-great-great-grandmother was turfed off her farm at the age of 17, strapped to the bottom of a convict ship and transported across the planet as a slave, conveniently labelled a "convict". I said, "I think I should be entitled to something because of that. I feel really hurt and repressed and destroyed because of that. It has totally upset my whole life. What can I get from the Irish Government?" Do honourable members know what they did? They laughed. They said, "Are you serious?" I said, "In my country, you can for a lot less." They said, "That's your country. I'm sorry, but it doesn't work over here."

Where am I native to? I am certainly not native to Australia. I would get laughed out of a native title tribunal hearing in an instant, because I am not a native Australian. I am not a European because, as those opposite so rightly say, I have never been to Europe. So where do I belong? Where is my homeland? What about the social injustices dealt to my ancestors? But wait a minute. I am capable of standing on my own two feet and doing something about my situation. I can take responsibility for my actions and say, "Hold on. I am going to make some changes and do some good", and stand up and do whatever I do.

This all comes back to taking responsibility for one's actions. I hate to say this, because I hear many members opposite saying it, but I have many friends who come from an indigenous background, including family who live in Brisbane. One of my aunties found out very late in life that she had some Aboriginal

ancestry. Members can check this, and I am sure that they will. She is now an elder of the Dharug tribe in western Sydney. When she first went down there, she asked about finding out something about her heritage and her roots, which I believe is the right thing to do. Instantly, she was handed a sheaf of forms to fill out to try to claim some sort of money or substance from the Government. She said, "Wait a minute. I would like to find out some information." The reality is that the system is chronically misused and abused. It has totally removed the realism that people would have to deal with if they went to communities and dealt with Aborigines in real terms in the communities in which they live.

With mixed emotions, today I heard the Minister for Aboriginal and Torres Strait Islander Policy saying basically exactly the same things as I have said and the same things as Mrs Leneen Forde has said. Yet while those two people are shining lights for reconciliation and a path for the future, I have been labelled a racist.

An honourable member: That is hard to understand.

Mr NELSON: It is very hard to understand. Why is it that when one person says something and another person says exactly the same thing a couple of minutes later, one person is labelled a racist and the other is supposedly a shining light for reconciliation? That is totally inconceivable. But fair enough. I can understand that, because I am not a member of the politically correct in-crowd. Therefore, I am not afforded the same rights as those afforded to the Honourable Minister. However, I am not going to stop speaking just because somebody labels me. I know that members opposite would love that to happen, but I am here to tell them that it is not going to happen. I will accept all the labels that people want to give me. All they do is steel my resolve. I speak in this place on behalf of 438,000 Queenslanders, and I guarantee that they are all thinking exactly the same thing as I am thinking. And fortunately, at the next election, they will show members opposite the same sort of thing if they go ahead with their divisive and racist policies.

If one believes ATSI's figures, 28% of my community is Aboriginal. But when I go out into my community, I do not look around and say, "Oh, there is an Aboriginal Australian. Oh, wait a minute, this guy here is a Chinese Australian. Wait a minute, this person is a Croatian Australian." When I walk around my community, I walk up to each and every individual and say, "How are you going?" I

treat them as Australians, with equal rights, as one people, with no distinguishing features or anything like that. I see each person as an individual. I am not into collectivism and socialism. I believe that each person is an individual. People should be protected by the rights of the community as that community sees fit to develop those rights.

I am here to tell the honourable member for Townsville that as the Leader of the Opposition rightly said, when we start legislating to separate people while still trying to call them equal—and they have separate laws that are applicable to them—that is called apartheid. One other country had that system, namely, South Africa. I would never, ever support a system of apartheid in this country. But it goes even further than that. In South Africa they called it "separate but equal". Here, we are not even close. We do not even come within shouting distance of "separate but equal". We legislate rights for individuals so that they have separate access to law and they have separate agendas. I am against the whole concept of separation.

Mr Reynolds: You are basically ignorant of native title.

Mr NELSON: Here we go! That is like the "colouring in" statement we heard earlier. Yes, I am ignorant of native title, because I believe that native title is the most divisive and racist thing that has ever been brought into the Australian political scene. It is destructive. It is ripping this nation apart at its very roots. It is destroying communities at the ground level. I live in one of those communities that are being absolutely pounded by the concept of native title. One Aboriginal lady in one community did not even know that a native title claim had been lodged on her behalf. She was totally shattered when she found out about it and did not want anything to do with it. She is the only person who could have had title to that land, yet the Northern Land Council is lodging claims on her behalf. She never asked for that. She never wanted it. She has been a productive member of my community for a lot longer than anyone else has been. This reinforces the argument that, nine times out of 10, the people who are involved have no idea what is going on and nothing to do with it. It is all legal jargon and rubbish.

Mr Mickel: What's her name?

Mr NELSON: I am not going to name her in this place. She deserves the right to privacy. That is something about which members should talk later.

A couple of names have been bandied around this House. I have been called a racist

a few times. That is totally ridiculous. People will have to try harder and go further than that. They will have to campaign in my electorate to get rid of me. There is no way in the world that a label is going to get rid of me. I stand on my credentials. The only people who have ever called me a racist sit in this House—no-one I actually know or work with. Every time I go back to my community I get taken down the main street of town by people who actually support me. I did not inherit my seat; I won my seat. When I go to town, people come up to me, slap me on the back and say, "Shaun, get up them. Get into them." They ask, "What are you doing, Shaun?" I say, "Oh, not much; keeping out of trouble." They say, "We did not send you down there to keep out of trouble, young fellow. We sent you down there to take them a message and to make them wake up and listen." I am sure that if members opposite took the time to go out into their electorates they would hear exactly the same sort of thing from people on both sides of the political spectrum. Members of the One Nation Party branch on the tableland used to be members of the Labor Party, the National Party and the Liberal Party. They encompass all types of political thought, but they all feel exactly the same way about this: one people, one country, one nation. That is the best thing we can aim for. And I am sure that any right-minded and sensible person in this House would agree.

I return to the people I was talking about before, and I will refer to only one of them: Mr Charles Perkins. If ever a racist was born in this country, there is one. Every member of this House should get hold of a book that he wrote in 1975. I will not give the title of the book, because I consider its contents to be unparliamentary. If anyone wants to have a look at it, I have it; they can come and talk to me. That book is the most hate-pandering, racially divisive thing I have ever read. He talks about banning Negro people from this country because he believes them to be the toys of the white man. He talks about all sorts of things like that. He tells the Aboriginal people of this country to rise up in civil war against the Government and to go off on a shooting campaign—all sorts of wonderful stuff like that. If I started talking like that in here, I would be ushered out of this House in a heartbeat. But we cannot speak about Mr Perkins. Why? Because he is protected by his Aboriginality! To speak about him would get one labelled as what? A racist!

This is all about reality. I have foreshadowed a heap of amendments to this Bill. Unfortunately, I cannot get through this

House the one amendment that I would like to see passed, that is, that this Bill be abolished instantly to stop the destruction of my society and my country at the hands of people who are pushing a racist and divisive agenda, because the High Court has made its decision, and far be it from me to question the decision of the High Court.

An honourable member interjected.

Mr NELSON: The member talks about heritage. Members of the Labor Party are only here to destroy heritage—to pull down all my cultural beliefs and to replace them with a fictional story. They clutch their hearts and say, "Oh, but we are defending this and we are defending that." Rubbish! They are getting themselves re-elected. They do not give a hoot. I reinforce the words of the Leader of the Opposition when he said, "Hand over your backyard. Hand over your farm"—not that many members opposite own them. I will be right behind them in the queue with about 150 dairy farmers. We will all be standing there behind them ready to go next. The simple fact is that most members opposite are totally immune to native title. And when one is immune to something, it is great to be able to say, "I think that is the best thing in the world." They know straightaway that it will not affect them. It will never get into their backyards. They will be very careful to make sure that that does not happen.

Let us remember that the place on which we are standing, as Mr Bonner rightly said, used to be tribal land. The backyards of members opposite also used to be tribal land. I have heard Mr Bonner speak long and hard about what the country used to look like along the Brisbane River. I say to members opposite: do not feel guilty; foist the guilt upon the people who live in regional communities; foist the guilt upon the pastoralists! A lady from Cape York visited me in my electorate office because she could not get anywhere near her local member. In tears, she told me about the problems she is having on her property currently.

Dr Prenzler interjected.

Mr NELSON: Her property is in the Cook electorate, but she cannot get anywhere near her elected representative. He is in Cairns and she lives on the cape.

She relayed to me the exact story that I told honourable members when I started this speech. Those events have happened to her not once, not twice but on numerous occasions. Her nearest police officer is stationed in Bamaga, a good 300 kilometres or 400 kilometres away. That lady has

nowhere to go; she does not know what to do. She is a normal, everyday person who is being eaten up and spat out by the Native Title Act, the most incredibly divisive and racist thing ever to happen to my country. It was so bad as to get me to stand up and say that I would enter politics.

This House is nothing like what I expected it to be. I expected it to be a place of democracy, a place where people could speak their minds freely, say how they feel and get a job done. Already, one One Nation member has been hounded out of this House. I am sure that a couple of us will be targeted next, because we are representing the communities that we were democratically elected in. I have tried my hardest never to abuse anyone personally. I have certainly abused a few people collectively, but I would never abuse anyone personally, because I believe in individuals and their rights. I believe that every member of the Labor Party, National Party, Liberal Party, every Independent member and every member of One Nation in this House has an electorally given right to be here. We must defend that right at all costs. If I cannot stand up here and speak because I am continually labelled——

Government members interjected.

Mr NELSON: Those fools opposite are yelling and screaming some sort of rubbish. If I have to continue to defend my democratic rights, that bodes ill——

Mr REEVES: I rise to a point of order. I found the comment that we were fools offensive. I ask that it be withdrawn.

Mr NELSON: I was addressing the whole party. There is no point of order.

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

Mr NELSON: I am here to say that, in this country, democracy is in a shabby state. Members opposite are heading towards a chasm that they will never be able to get out of. They can keep going, because six seats on this side of the House are former Labor seats and there will be six more after the next election.

Ms STRUTHERS (Archerfield—ALP) (5.43 p.m.): The member for Tablelands has set me a hard act to follow. As I have been sitting here—and I say this somewhat patronisingly—I have realised that I used to think I was a bit naive, but the member for Tablelands takes the cake. It is important that he take heed of the fact that his 20 years studying politics and his five years in the Army have not enlightened him about the issues we

are debating. I remind him and other members in the House that in the past two weeks the Queensland public has been shocked by the appalling violence that persists among many Aboriginal communities: drunken men raping children, bashing women and using star pickets to smash the life out of each other.

By any means, that violence is not unique to indigenous communities, but it appears much more intense and localised within specific communities. The Queensland public, including indigenous people, desperately wants the violence and the destruction of the Aboriginal culture to end. To find answers to that violence, we must first remember why the violence is so prevalent. It is prevalent because indigenous people in Australia have been stripped of their land and culture. Customary laws that controlled violence have been seriously diminished. Self-worth and spiritual connections to the land have been grossly undermined.

I worked for a couple of years in the Tanami Desert area in the Northern Territory on remote Aboriginal communities. I was appalled to see the damaging effects of people being herded like cattle. The member for Tablelands talked a lot about cattle. Those people were treated like cattle. They were moved up to the Tanami Desert area during the early part of this century, settled in areas which were unproductive and which had a poor water supply. We have to keep those circumstances foremost in our mind, because they are what these issues are about. We must recognise that although we cannot take history back, we can restore connections to the land; we can help to strengthen indigenous culture and pride. The Leader of the Opposition gave us a serve about our white guilt. As a result of my experiences in the Northern Territory, I would call it a "white awakening" or a "white compassion". That is foremost in my mind as we debate this Bill.

The critical debate we are having today about native title cannot be divorced from the current public debate about violence on indigenous communities. The two have been, and remain, intrinsically linked. Recognition of native title and the right for indigenous people to negotiate over traditional land is the key to restoring dignity and economic independence to a culture that has been devastated. I am also well aware that the economic development of our State requires continued mining and exploration. We need to generate work and wealth. The two, indigenous rights and mining interests, need not be as polarised as they are currently.

This Bill has emerged from genuine efforts by our Government to balance both interests. In common with other members, I pay tribute to the good work of our leader, Peter Beattie, and his team to pull together the diverse interests and to produce a fair and reasonable piece of legislation. Concessions and compromises have been made to meet the interests of all stakeholders in the native title debate. This year the right for indigenous people to negotiate over mining and pastoral leases has been significantly diminished in the legislative processes at both the State and Federal level. In this Bill, for instance, the right to negotiate at the mining exploration stage does not exist. As a minimum, we must have adherence to a code of conduct for exploration, rather than a free-for-all. Mining interests have been well recognised in the development of this legislation. In spite of the concessions that have been made, the Queensland Mining Council and the coalition will not be happy until the right to negotiate on mining leases is totally removed from law. If the push to remove indigenous people from the negotiating table were to be successful, what would result? Mining interests might be satisfied, but at what cost? The result would be unfettered access to, and possible destruction of, traditional sites and culture; the further erosion of the status of, and respect we must have for indigenous people; and the further erosion of their culture and opportunities for economic development. That would mean more violence and more self-destruction among indigenous people.

We cannot continue down that path. We must enshrine the right to negotiate in law and establish an effective tribunal and related processes to enable negotiations to occur in a fair and timely manner. Every effort must be made to ensure that all parties negotiate in good faith. Economic development should not be unnecessarily stifled by endless litigation. Similarly, indigenous interests must be fairly acknowledged. White Australian culture is based on notions of mateship and a fair go. At times I think that that is more myth than reality. Many indigenous Australians get a helping hand in different forms, whether it be through the social wage or welfare payments or farmers and others receiving millions of dollars in industry assistance. There are not many people in Australia who do not reap some sort of benefit from the Government coffers. That point must be hammered home. It is not only indigenous people and people on benefits who receive a helping hand from the Government; it is a whole range of people. It is particularly important to acknowledge the

millions of dollars poured into industry assistance. The things that really matter to indigenous people—land rights, economic independence and the restoration of dignity and respect—are being ripped away. The three-stage process that our Government has embarked on in relation to native title must be supported, not undermined. We must extinguish the violence, not native title rights.

Mr BEANLAND (Indooroopilly—LP) (5.49 p.m.): In rising to speak to this Bill, I would like to refer to a major issue, and that is the application of the right to negotiate in relation to mining lease renewals. I seek a specific response from the Premier prior to the Committee stage, and I want him to respond specifically because a number of very important issues in this matter need to be spelled out clearly. The Premier has been pretty confusing on this issue, as he is on a range of issues, and quite often misleading on purpose. This very important issue needs clarity. It is a toss-up as to whether the Premier is being deliberately misleading on this central point in relation to native title or whether he simply does not know which end is up.

I refer specifically to the Premier's claim that he fixed a reversal of Federal Labor's position on the application of the right to negotiate in relation to the renewal of mining leases. Federal Labor wanted such a right; Queensland Labor convinced it to drop that requirement. The Premier has said in this place, and publicly, that almost 12 months ago he went to Labor's national conference in Hobart and achieved agreement with the Federal leadership to again look at Labor's position on whether or not there ought to be a right to negotiate in relation to the renewal of mining leases. I want to emphasise that point. Obviously, that position in favour of the right to negotiate in relation to renewals was in addition to the Federal view that there ought to be a right to negotiate at the exploration phase and a right to negotiate at the mining stage.

So we had, and demonstrably we still have, a Federal Labor position that is in favour of no less than three separate rights to negotiate in relation to mining: at the exploration phase, at the mining phase and at the time of renewal. That gets confusing because we now have in Queensland a Labor Government that is not in favour of a right to negotiate in relation to exploration—or at least so it says—in favour of a right to negotiate on mining, is silent on the issue of renewals and, as other speakers have pointed out, also silent on the issue of infrastructure.

It would be good for the public to understand where the State is heading under this Government. In that regard, it is instructive to consider where the Premier has been on the issue of the renewal of mining leases. As I say, it is really quite confusing. No doubt he is trying to muddy the waters on this very important issue. In December last year, during the debate on the Native Title Amendment Bill in the Senate, in response to the Federal ALP's first effort to have a right to negotiate imposed on exploration, the response of the then Leader of the Opposition, now the Premier, was to go to the Federal conference in Hobart and demand a rethink on the renewal of mining leases. We all recollect his chirping in relation to this matter. He trumpeted that he had been successful in doing that, in that Labor's Wik group agreed to speak to the mining industry in Queensland about the issue. Obviously, that is what they should have been doing in the first place as part of the consultation process. In fact, if they were not speaking to the mining industry, that speaks volumes for Labor's consultation! If I recollect correctly, at that time the Premier went overseas and was not even in Queensland when that consultation group visited. He found good reasons to leave the State.

The whole exercise turned out to be a right royal farce. The Premier was not here for the consultation that the Federal Labor Government should have been conducting all along. It was unthinkable that the consultation group did not talk to the Queensland mining industry in the first place. However, at the end of the day, that consultation made no difference whatsoever.

Nevertheless, this procedural point was hailed as a major breakthrough by the then Leader of the Opposition, now the Premier. However, despite claims to the contrary, Labor backed precisely the same amendments in relation to the right to negotiate on mining lease renewals in April, months after the then Opposition Leader, now the Premier, claimed victory in his fight for truth, justice and the Queensland way, as it had in the first Federal Bill, as it then was in November and December. So much for these great talkfests, to which the Premier seems to be so endeared and which day by day are becoming more regular. So despite all the discussions and the Premier trumpeting that he had a great win over his Federal Labor counterparts, Labor went nowhere and retained its first position. In fact, there was no win at all. The then Leader of the Opposition, now the Premier, failed. It was just another backflip, which we have seen

him do so often. Again and again, we have had all talk and little or no action. Certainly, we have seen that in relation to this matter.

The mining industry made it plain that there was absolutely no change in Federal Labor's position. It said that the right to negotiate on mining leases proposed in April would trap most mining lease renewals into the right to negotiate, as planned by Federal Labor. Of course, we saw Labor adopt precisely the same line when the matter was finally settled in July. Quite frankly, despite a lot of talk and a lot of trumpeting of victories, the whole situation has gone nowhere. In fact, there has been one backflip after another and complete failure.

For those members who might wish to check what I am saying, I refer them to Senate Hansard of 4 December last year, page 10,370, for the explanation of Labor's original amendments by Senator Bolkus in the Senate; to 7 April, page 2,234, for his repeated efforts; and to 7 July, page 5,077, for his third emotional plea for a right to negotiate on mining lease renewals. Each time it is noted in the Senate Hansard that Senator Bolkus put the same position time and time again, pleading for a right to negotiate on mining lease renewals. That is Labor's position, and it has been that all along.

I would be interested to hear how the Premier reconciles those policy positions espoused so consistently by Federal Labor with his claim to have successfully influenced his Federal colleagues on the point. I would also be interested to hear his understanding of where we are going in this State in relation to mining lease renewals. Further, I would be interested to hear from the Premier an explanation of his own inconsistency on the overall right to negotiate issue. This Bill covers only a fraction of the ramifications of this very important issue: the justice associated with land management in this State for competing rights and for our economic and social future.

For example, late last year in response to the Federal Bill after its first consideration by the Senate, the Premier told John Lehmann of the Courier-Mail that he supported the legislation. I am sure that the Premier misled the public of this State to deliberately confuse and muddy the waters in relation to his true position on this very important issue. In a great number of respects, that was a very different Bill from the one that emerged finally from the Senate in July. The Bill that the Premier was reported to have supported was rejected by the House of Representatives, leading to a very different Bill as a result of the April

consideration and then a further different Bill as a result of the July consideration.

So one has to ask: what does the Premier now support? Are we going to see more amendments to this legislation? Is the Government going to bring in some amendments at the last minute, or is it going to accept amendments from an Independent, or a One Nation member? Where is the Premier going on a whole raft of issues concerning the right to negotiate that are simply not covered by this legislation? That is particularly important because, so far, we have heard very little about these other issues in relation to the right to negotiate.

Debate, on motion of Mr Bredhauer, adjourned.

PRIVATISATION OF TAB

Mr HEALY (Toowoomba North—NPA)
(6 p.m.): I move—

"That, given the Resolution passed by this Parliament on 22 October which said, in part, '... given the importance of the racing industry of Queensland and particularly the implications of any changes to the TAB to the racing industry, that the issue of privatisation requires a full and informed debate as part of a formal legislative process', this House calls on the Government to immediately re-open negotiations with the Queensland racing industry on TAB privatisation and that a report be presented to the House by Wednesday, 18 November."

Today we have a Government that has lost the confidence of the racing industry in Queensland. We also have a Government and a Minister who have ignored a motion of this Parliament—a motion supported by both the Independent members, the member for Gladstone and the member for Nicklin.

Privatisation of the Queensland TAB has been on the agenda for well over 12 months. The former coalition Government and then Minister, Russell Cooper, spearheaded the drive after the racing industry itself chose privatisation as the way forward. The coalition did not buckle. Instead, we sat down to long and exhaustive discussions about how privatisation could be achieved. We put in place strategies and time frames to ensure that the industry would benefit and we ensured that no Queenslanders would lose out. However, the change of Government undid those efforts.

Last week, in what could only be described as the greatest about-face in

political history, the Government scrapped the proposed privatisation of the TAB. This decision sent shock waves across the entire private sector as the industry realised that this Government lacked the independence from the union movement to address real financial and job-creation issues. The Minister and the Premier buckled and all the outstanding work of the former Borbidge Government collapsed around them.

Why did the privatisation collapse? Was it because the proposal was suddenly non-viable? No, not at all. The issue collapsed because the Minister and the Premier ran scared. Only two weeks ago the Premier put his leadership on the line. He came out publicly and beat his chest, proclaiming that privatisation was the way to go. The Premier said that he would take the issue to the Labor Party's conference and, alongside his Minister, he would fight to get the conference to endorse privatisation. What a hero! I was impressed, the industry applauded and the media applauded. However, as each day went by, the rat smelt worse. The Premier began to realise that he did not actually have the support that he needed. He was a leader without the numbers in his own party. When the sudden resignation of the member for Mulgrave was broadcast across Queensland, the Premier suddenly felt very queasy. He realised that his leadership would be exposed right in the middle of a by-election campaign. He realised that he could not sway the conference. He also realised that he did not have the leadership that was required of a Premier of Queensland who would put the interests of the State and the racing industry ahead of petty party politics.

There is one very fundamental difference between the State coalition and the minority Beattie Government. The State coalition's policy towards the privatisation of the TAB was to say to the industry, "You tell us what you want and we will sit down and facilitate that goal." In contrast, the ALP's policy has been to say to the industry, "It does not matter what you want. We will allow an ALP conference, in the main comprised of people who know nothing whatsoever about the racing industry, to decide your future." The ALP has been prepared to put the racing industry last.

Only two weeks ago, when Parliament was in session, I moved a motion calling for Parliament to endorse the privatisation of the TAB. That seemed like a logical motion, because the Premier and his Minister had already said that they would support it. The State coalition moved the motion, confident that it would send a strong signal to the

community that we had at last struck an issue where bipartisan political support would be offered to secure the future of Queensland's racing industry. One can imagine how shocked we in the Opposition were when the minority Government started to back-pedal at the speed of light. Members opposite were ducking and weaving everywhere. Suddenly, amendments were being moved and every conceivable reason to procrastinate was being offered.

Either way—and this is important—on 22 October this House passed a motion which said that the privatisation of the TAB was an issue that required a full and informed debate as part of a formal legislative process. Not only did the Government support the motion; the Minister for Racing himself seconded the amendment. Tonight's motion basically calls on this scaredy-cat Government to honour that resolution. Tonight's motion says that we are still expecting this issue to be debated as part of the legislative process. Tonight's motion honours exactly what members opposite supported in this House on 22 October. Even more importantly, it honours the motion supported by the members for Gladstone and Nicklin.

Last week the Government snubbed this House. Despite a resolution which basically said that the Parliament would decide on the privatisation of the TAB as part of the proper legislative process—that is to say, by way of legislation—the Government made a unilateral decision to dump the whole process and the concept. It did that despite a specific resolution of this House that the Parliament would decide.

The Government seems to have made a bad habit out of blaming other people for its failures, but nobody is falling for this little charade. The editorial in this morning's Courier-Mail hit the nail on the head. The Courier-Mail can see that the Minister is walking away from his responsibilities. It can see that the upcoming by-election in Mulgrave is going to expose the very simple fact that the Premier of this State does not carry the weight within his own party to bring forward legislation that Queensland needs on this issue. This morning's editorial quite rightly stated—

"Racing Minister Bob Gibbs should not sit by and allow the privatisation of the Queensland TAB to stall over a dispute about the benefits for industry codes.

...

Mr Gibbs should not adopt a Pontius Pilot stance; he is the Minister and it is his job to solve problems. Party politics should

not be put before industry and state interests."

The Courier-Mail could not have summed it up better.

The decision to axe privatisation has nothing whatsoever to do with the mythical claims of this Government that the racing industry was asking for too much. Earlier this morning the Premier struggled to justify the Government's position, claiming that the Macquarie Bank was asking for a \$2m success fee, which the Premier claimed should not be foisted onto the taxpayer. The Premier tried to claim that this fee made the whole privatisation non-viable. However, later in this debate we will prove how inaccurate were the statements that the Premier made this morning. What the Premier forgot to say about that deal, including the fee, was that it was very similar to that which was signed off in Victoria and New South Wales when the Macquarie Bank successfully facilitated the privatisation of the respective TABs in those States. Apparently, the deal was fine for the New South Wales and Victorian Governments, which are now reaping enormous rewards from privatised TABs, but it was not okay for the Queensland Government.

Tonight's motion is about ensuring that the debate on the privatisation of the TAB is dealt with properly. On the one hand, the Minister and the Premier have said that privatisation is the only way to go if we are to guarantee the future of the racing industry's three codes in Queensland, yet after the threat of one by-election the Minister and the Government now believe that the whole issue can simply be dumped. That sort of callous and politically motivated attitude has not won any respect from the industry. Today the Government's reputation is mud around the racetracks of Queensland and the media headlines have summed up the public's contempt for it.

The Minister said that the industry wants privatisation and he said that it would create jobs. That is why it is essential that the Minister be forced back to the negotiating table. We cannot sacrifice jobs and an entire industry as part of some archaic sacrificial ceremony to the union movement. This is an important issue that deserves a proper debate. Last month when I moved the motion to support privatisation, both Independent members voted to support an amendment which said that the issue required a full debate as part of the legislative process. The Minister for Racing seconded that amendment. However, last week he said, "There is no deal and I will not

bring anything forward to this House for debate. I have made the decision." When choosing whether to support this motion tonight, I ask the members for Nicklin and Gladstone to think very carefully about this issue. Tonight's motion sends the Minister back to the negotiating table. It provides him with an opportunity to report back to Parliament before the Christmas recess.

Time expired.

Mrs SHELDON (Caloundra—LP) (6.09 p.m.): I have much pleasure in seconding the motion moved by the member for Toowoomba North, who, in common with me, has a significant racing industry in his electorate. Tonight, in speaking to this motion it is important to remind all members how important the racing industry is to Queensland, both in terms of revenue generation and jobs. It is one of our biggest and most important industries. Only when we understand that can we understand properly the magnitude of the Minister's and the Premier's decision to dump the privatisation of the TAB. Only then can we begin to realise just how much money and how many jobs this Labor Government has chosen to jeopardise simply to appease the union movement—its real power bosses.

It is estimated that the racing industry generates upwards of \$300m towards Queensland's gross domestic product, yet in flow-on terms another \$700m is generated. In all, this Labor Government has chosen to sacrifice an industry worth \$1 billion to the Queensland economy. I am amazed that the Treasurer, Mr Hamill, is prepared to acquiesce to this. He has left the industry exposed to the privatised TABs in New South Wales and Victoria. But even more so, the Labor Government has chosen to sacrifice an industry that accounts for nearly 14,000 jobs. So much for the 5% unemployment rate—fictitious as it always was!

Last week's decision to axe privatisation plans was more than a monumental backflip even by "Backflip" Beattie standards; it was a monumental kowtow to the union movement and it was a monumental act of negligence—putting the numbers of the Labor Party's political factions ahead of job creation and the racing industry in general. Even the editorial in this morning's Courier-Mail was awake to that. It challenged the Minister to sort out the problem and not to walk away from it. The State coalition has been instrumental in restructuring the industry and in preparing it for privatisation. We were instrumental because the industry asked us to be; it had faith in us as a Government.

Mr Beattie: Ha, ha!

Mrs SHELDON: I assure the Premier that it certainly has no faith in him.

All three racing codes chose to pursue an agenda of privatisation. It was not the coalition Government's agenda, it was the racing industry's agenda. This morning the Premier tried to pretend that those discussions were not advanced, but as usual he was wrong—and quite deliberately. He claimed that the privatisation of the TAB had not gone to Cabinet under the former Government. Again, he was wrong. He claimed also that he was concerned about the future of rural and regional racing. He claimed that the State coalition was not concerned. Again, he was wrong. On 14 October 1997, the former coalition Government gave the green light to the privatisation of the TAB, and that was a Cabinet decision. At the same time, we approved a two-stage package to ensure that the industry was properly restructured before the privatisation proceeded.

As part of that package negotiated with the industry—and members will note that the coalition was able to negotiate with the industry rather than walk away—the estimated level of TAB sourced funding would have jumped from \$91m to \$109m, or an \$18m increase in funding to the industry. In addition, State Cabinet also gave its support to change wagering taxation from a turnover revenue base, coupled with the staged reduction of the tax rate from the existing 34% down to 25%. That move would have made the Queensland TAB more than competitive with the 28.2% tax level in New South Wales and Victoria. In addition, Stage 2 of the privatisation process was to see the retirement of almost \$31m in racing industry debt, and this was to be coupled with a one-off \$10m capital injection. Is it little wonder that this week the racing industry is incensed by this minority Labor Government's decision to dump its future?

The Premier can try hard to claim that he is interested only in protecting rural and regional racing and the mums and dads, but he is not. Nobody did more for rural racing than the coalition Government. Racing clubs and punters remember that. Indeed, it was Russell Cooper and I who returned almost half of the revenue from the bookies' turnover tax to the racing clubs to improve training facilities—something a Labor Government never did.

They also remember that part of the coalition's privatisation program of the TAB was to safeguard the future of racing in rural and regional areas by ensuring development

clubs received at least \$5.8m in financial support over the next two years—equal to the current level of distribution. The baseline level of financial support for a further three years was to be negotiated with the industry.

Time expired.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (6.14 p.m.): I move the following amendment—

"That all words from and including the words 'this House calls ...' and up to and including the words '... by Wednesday 18th November' be deleted and the following be inserted:

'this House notes the commitment given by the Premier this morning that he and the Minister for Tourism, Sport and Racing will continue to have discussions with the racing industry and the TAB to ensure a strong future for the racing industry and the TAB.' "

There has been a whole lot of humbug spoken by the Opposition in relation to the TAB. The bottom line is this: the large part of the detail which the racing industry put to us in fact was not approved by Cabinet. It was agreed to by the Minister for Racing but not agreed to by Cabinet. Let us be very clear about what happened last Thursday night.

Mrs Sheldon: I just told you it was. The Cabinet document is there to prove it.

Mr BEATTIE: If the honourable member is correct, she is confirming the \$2m success fee. If all of this was approved—

Mrs SHELDON: Mr Speaker, I rise to a point of order.

Mr BEATTIE: The member cannot have it both ways.

Mrs SHELDON: Mr Speaker, the Premier is deliberately misleading the House. In no way does that have anything to do with the success fee. It shows that it did go to Cabinet. As usual, the Premier is lying.

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

Mr BEATTIE: Typically, I have five minutes to speak in this debate, and the honourable member wants to deny me even an opportunity to respond.

The heads of agreement went to Cabinet. Let us be honest about this, because there has been some dishonesty about this from the former Treasurer. The heads of agreement went to Cabinet but not the detail. That is the truth of the matter. The only person who ticked

off the detail was the former Minister, Mr Cooper. The detail never went to Cabinet, just the heads of agreement.

Mrs SHELDON: Mr Speaker, I rise to a point of order.

Mr BEATTIE: The member's manners have not improved, have they?

Mrs SHELDON: Again, the Premier is misleading the House. The financial detail did go to Cabinet, as I have just outlined in my speech.

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

Mr BEATTIE: Let us get to the heart of this issue. Last Thursday night, the Minister for Racing and I put to the racing industry an opportunity to resolve this matter. Had it been resolved in the interests of the mum and dad shareholders, the racing industry and the TAB, this privatisation would have gone ahead. There is only one reason that it did not go ahead: the deal put to us by the racing industry was not in the interests of Queensland—end of story.

Let us have a look at the facts. ABN-AMRO advised the previous Government that the value of TAB Queensland in a float could be as low as \$80m if the scenario proposed by the industry had been adopted. That is the real figure. Forget this nonsense about it being worth \$150m. That is the advice that members opposite were given. At best, the sale price in a float would have been in the order of \$120m to \$125m. This compares with the current capitalisations of the New South Wales TAB at \$1.5 billion and Victoria's TABCorp at \$3 billion. There is a clear difference.

After deducting the up-front payments proposed by the industry of \$60m from a sale price of \$80m, the effective sale price would have been \$20m. What wonderful negotiators members opposite are! That is the truth. Let us have some correct reporting from the Courier-Mail on this issue. Let us finally get the facts about what the real proposition and advice to the previous Government was and what the real advice to us was. In net terms, we could have had a sale price as low as \$20m. I would not agree to it, because it was not in the interests of this State. ABN-AMRO also advised the previous Government that, under the industry's proposed financial package, a public float would be all but impossible. On page 106, it stated—

"In order to be considered a realistic public float, the organisation needs to have a scale of at least \$100m."

In other words, the previous Government was going to deny the mums and dads an opportunity to buy into the TAB. That is what it was prepared to do. Let us have some absolute honesty about all of this. I have given the former Minister a copy of the letter to him from the Racing Industry Steering Committee in which it pointed out the \$2m success fee. In addition, \$1.2m was to be paid to the bank in consultancy fees. The industry told us that the former Minister had agreed to that. I am relying on what the industry tells me.

The bottom line is this: this was not a good deal. It was not in the interests of the TAB and the racing industry. It is about time we had some truth. I have now released the true figures for the people of Queensland to see. Let them make a judgment as to whether or not we should have accepted that proposition. I have given an undertaking that we will continue discussions with the industry, and we will do so.

Time expired.

Hon. D. J. HAMILL (Ipswich—ALP) (Treasurer) (6.19 p.m.): I rise to second the amendment moved by the Premier and, in doing so, I want to further outline some of the financial issues that surround this particular question of the TAB privatisation. It was very interesting indeed to hear the Opposition spokesperson say that the coalition's approach in this was to ask the industry what it wanted and then presumably say, "How shall we give it to you?" As the Premier has already outlined, given the extraordinary range of giveaways and concessions that were being proposed, there really was not much value being left in the TAB in Queensland—there was certainly not much value there for shareholders. Why would one invest in something which had such little value?

Whether one takes the optimistic valuation or the pessimistic valuation, at the end of the day, there is probably only between \$20m and \$60m of value left in the TAB under the terms of the proposals—the giveaway proposals—that were being put forward by the coalition on behalf of the racing industry, or some elements of the racing industry. When one looks at the revenue reductions which are a part of the whole package, one sees that the value that was left would be effectively all gone anyhow in but a couple of years of the significantly reduced revenues that would have flowed from the privatised TAB.

There are a few other issues that need to be canvassed here. The Opposition spokesperson talked about the value in the Victorian TAB and the value in the New South

Wales TAB. After all, the market capitalisation of the New South Wales TAB was around \$1.5 billion. In the case of Victoria's TABCorp, it is about \$3 billion. How is it then that the Queensland TAB at best could have been valued at only around \$125m? The reason flows from a whole series of decisions which were taken in the time of the previous coalition Government in terms of the structure of gaming and wagering in this State.

The point is that, when the coalition compares TABCorp and the New South Wales TAB with the Queensland TAB, it is not comparing like with like; it is being intellectually dishonest. What is very different about those two other entities interstate is that both of them have a very significant role to play in relation to machine gaming in both of those States—something which the Queensland TAB does not have.

Dr Watson: Yes, they do. They have gaming.

Mr HAMILL: Here we go. The wizard speaks. The person whose white paper expressly prevented the Queensland TAB from having a role similar to that of its interstate counterparts now says, "The Queensland TAB is in gaming." The Queensland TAB, or at least a subsidiary of the Queensland TAB, is a licensed machine operator, but it certainly does not have the control over gaming that we see interstate, and that lies at the heart of the very significant difference in value that exists between the Queensland TAB and those interstate.

Dr Watson: Are you going to change it to let them have it?

Mr HAMILL: While the financial wizard is still trying to interject, perhaps we should look at a couple of other aspects of this which further detract from the value of the Queensland TAB. Under the heads of agreement, licences for on and off-course wagering are to be held by the Queensland TAB. That was a cornerstone of the Wagering Act which we supported here in the Parliament. The heads of agreement states only that a separate payment will be made by the TAB Queensland to the racing industry in respect of on-course wagering. This amount was to be agreed.

Those advisers in Macquarie Corporate Finance were going to pick up \$2m—\$2m which supposedly the Queensland Government was going to pay to be belted up by Macquarie Bank for its success fee. They suggested that, had the TAB had that on-course wagering, it would have resulted in the TAB losing over \$2m a year on that business

alone. In a letter dated 18 May, the previous Minister, Mr Cooper, agreed to take this position to Cabinet. However, that was another matter which was never considered by the Cabinet. It was never dealt with by the previous coalition Government.

Time expired.

Hon. T. R. COOPER (Crows Nest—NPA) (6.24 p.m.): That was because there happened to be an election on 13 June.

Quite a lot of untruths have been spoken this evening, just as was the case this morning. I quote from the Hansard of this morning when the Premier mentioned this myth—

"Do honourable members know how much that success fee would have been? \$2m! Do members know who agreed to it? The former Minister for Racing, Russell Cooper!"

He also said that it had never been to Cabinet. I know that it had been to Cabinet on numerous occasions. There were numerous press releases.

Mr Beattie: The success fee.

Mr COOPER: I am coming to the success fee. I was the one who wrote to the then Chairman of the Racing Industry Steering Committee, Mr Phil Sullivan. I said—

"... the Government did agree to pay the cost of consultancies associated with the privatisation of the TAB. These costs were to be reimbursed from the proceeds of sale, but in the interim it was proposed that TAB reserves be utilised."

I went on to say—

"... I have been informed that the consultancy agreement with Macquarie may contain an additional element over and above the hourly rate fees ... which I understand have exceeded \$1 million ... being a 'success fee'. I am concerned at the possible level of such an additional fee, and request that you immediately provide me with details of any such arrangement ..."

So on 20 May Mr Sullivan wrote back, saying—

"The fee projections provided in the attached table do not include the success fee negotiated with Macquarie, which in accordance with the criteria established as part of the 'Terms of Engagement' struck in May 1997, is currently estimated at \$1.975m."

Nowhere did we agree to pay. Nowhere! That was a matter between the industry and Macquarie Bank. It is all here.

Mr Beattie interjected.

Mr COOPER: Well, we both have letters. I have spoken to them today. They have put out a media release, because they were extremely concerned that the Premier had misled the Parliament and spoken untruths. It says—

"The Chairman of the Racing Industry Steering Committee, Mr Phil Sullivan, today expressed his surprise at comments in the Parliament by the Honourable the Premier in relation to the aborted privatisation of TABQ."

It goes on to say—

"The negotiations between Government and the racing industry broke down purely because the Government's offer of a reduced financial package for the racing industry was unacceptable to the industry. The issue of professional fees was amicably resolved between the industry and Government and played no part in the breakdown of discussions," said Mr Sullivan."

He confirmed to me that at no time had we agreed to pay the success fee.

I also wish to raise that the Premier should not forget one of his own, Mr Ian Brusasco, was the one who—

Mr BEATTIE: I rise to a point of order. I find the remarks offensive and I seek for them to be withdrawn.

Mr COOPER: Which remarks?

Mr BEATTIE: The remarks in which the honourable member alleged that the \$2m was not part of the negotiations; it was. It was very clear.

Mr COOPER: It was a success fee between the racing industry and the Macquarie Bank.

Mr BEATTIE: You agreed to it.

Mr SPEAKER: Order! There is no point of order. The member will resume his speech.

Mr COOPER: The heads of agreement has been raised this evening. Of course, the person who signed that heads of agreement was none other than Ian Brusasco. I want to put it on the record that Ian Brusasco did a top job when he was chairman of the steering committee.

Mr BEATTIE: I rise to a point of order. He said, in fact, that the industry should pay it. They were saying the Government should. So of course he is right.

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

Mr COOPER: In speaking to them today, they reiterated that they were perfectly happy to pick it up. The fact that the industry picked it up was a matter for it. That is the truth of the matter.

We have placed on the record the performance of Ian Brusasco. The Racing Minister is now in Russia, and I do not blame him for being there. He knew damned well that he made a mistake. He was briefed fully all along the way. All the way through the negotiations, Ian Brusasco kept him informed. He was fully au fait with everything. Every single thing that we did was transparent. It had been to Cabinet and Stage 1 passed through the Parliament. Restructuring was the key element. Earlier this year it went through the Parliament with the support of those opposite. That was Stage 1, which was to be followed by Stage 2. It was there for the Labor Government to pick up and to do for the industry. We know very well that we supported the industry. We know very well that the industry will support us. In every little race club around the State we gave them guarantees for their integrity.

Time expired.

Mr REEVES (Mansfield—ALP) (6.30 p.m.): Tonight I rise to support the amendment moved by the Premier. The amazing aspect of this debate is that those opposite are trying to give the Government advice. To use a racing analogy, accepting the Opposition's advice would be like backing a horse that is racing up a class and the form guide reads its form as 999.

Let us look closely at the track record of those opposite. First, it gave the TAB too much weight on its back to ever be able to have an unhampered run to the line. Not even Might and Power could be guaranteed of a win under the huge weight forced on the TAB by the previous Government.

Mr Lucas: Is the shadow Minister Bold Personality or Fine Cotton?

Mr REEVES: I cannot work it out. He is probably Fine Cotton. Listening to the two previous speakers from the Opposition reminds me of the VRC making up its mind about which horses are going to run in the Melbourne Cup. First we heard the shadow

Minister saying that it was a good deal because of New South Wales and Victoria. Then we heard the former Racing Minister saying that the then Government never agreed with it. Those opposite cannot even make up their minds.

In establishing a so-called competitive market for the gaming machine operators in Queensland, the previous Government denied TAB Queensland the opportunity of benefiting from similar arrangements to those in New South Wales and Victoria, where both businesses have access to significant benefits from monopoly arrangements. However, the coalition would not give the same rights over gaming machines to TAB Queensland.

TAB Queensland competes as a gaming machine operator with seven other licensed machine operators, including TABCorp, for a share of Queensland's gaming machine market. TAB currently has approximately only 14% of the gaming machine market in Queensland. This means that the ability of TAB Queensland to fund the racing industry and remain a profitable entity that could be sold by public float was compromised from the start of the privatisation process by the gaming machine legislation. Again, the previous Government was advised of this problem verbally by its advisers, ABN-AMRO, prior to the finalisation of the gaming regime.

ABN-AMRO advised that the failure to establish arrangements similar to those in Victoria reduced the value of a potential sale by between \$130m and \$170m. And we are supposed to be taking the advice of the coalition on this matter! The inclusion of this business in TAB Queensland would have not only enhanced the sale value and made a public float a more feasible option but also enabled a high level of funding to be available to the Queensland racing industry without jeopardising the financial future of TAB Queensland.

When in Government the coalition brought about a situation whereby the pokie players of this State are now funding the Victorian TAB via TABCorp. Those opposite want us to ensure that the Victorian racing industry has fine and fast conditions while our TAB has overcast and heavy conditions. In addition, in recent months one of these operators, TABCorp, has moved into the club industry in Queensland as a gaming machine operator, based on the previous Government's gaming machine policy. The irony of this situation is that our population is now supporting and contributing to the whole Victorian racing industry.

To use a racing term, TABCorp is involved in nobbling the gaming machine industry. It has been involved in very unsavoury tactics. Recently it has become involved with the Ipswich Jets at the Hotel Cecil site. It is my understanding that TABCorp first approached another Ipswich sporting organisation regarding the building and managing of the club. The club rightfully went and sought legal advice from solicitors Rose and Jensen. It is my understanding that the club received advice that the deal should not be taken up.

The next venture TABCorp decided to take up was with the Ipswich Jets at the Hotel Cecil. It is my understanding that this was done after approaches to the hotel owners to get TABCorp involved. Lo and behold, the hotel owners just happened to be the firm of solicitors. If this is the way TABCorp and the unscrupulous people they wish to be involved with operate, warning bells should be sent to all of those clubs thinking of going with TABCorp, just to support the Victorian racing industry.

The activity TABCorp is undertaking is purely entrepreneurial, based on the way it is licensed to operate in Victoria. It is contrary to the white paper which led to the Gaming Machine Amendment Act 1997. The way it approaches the deal, the offer is to take 25% of machine revenue before any costs or taxes are taken out. Therefore, the club wears all the cost. TABCorp also wants 10% of the profit of gaming before interest and tax costs are deducted. Again, it is absolutely creaming the gaming income to support the Victorian racing industry instead of the Queensland racing industry. It was set up by the Opposition when in Government and it expects us to take advice from it.

Time expired.

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (6.35 p.m.): It gives me pleasure to enter this debate. I think we should understand one thing quite clearly. The privatisation of the TAB failed because the Government offer was not good enough. The Government wanted the privatisation to fail before it had to address the issue at the Labor Party conference.

It was interesting to listen to the speeches of the member for Mansfield and the Treasurer and to interjections from the Premier. The Minister for Racing is going around blaming the gaming machine white paper for the inability to privatise the TAB, supposedly because the TAB does not have the same kind of opportunities in Queensland that the TABs in Victoria and New South Wales have.

I will give the House a couple of facts about the white paper and the process that was gone through. I will tell some people connected with the ALP to go and check the facts. The member for Mansfield, the Treasurer and the Premier should get their facts straight before they come into this place.

There are three facts that absolutely destroy any argument those opposite put up. First, even under the current regime for gaming machines, the previous Minister for Racing, the member for Crows Nest, was able to get an acceptable resolution with the industry. The previous Minister was able to get the industry to agree to a proposal which allowed the privatisation of the TAB. So for those opposite to come in here and say that it cannot be done flies in the face of the empirical facts.

Second, the changes in the gaming machine regulations and the gaming machine regime in Queensland would not have been able to occur if the TAB in Queensland had been given a monopoly or a duopoly. One of the things that came through in my negotiations with the clubs and the hotels was that they would not accept the TAB in Queensland being given a monopoly or a duopoly, as was the case in Victoria. The reason they would not accept it is that they were sick and tired of the TAB treating them the way they were being treated with the TAB operations in their clubs and hotels.

If those opposite do not believe me, they should go and check with the vice-president of the RLCA, Garrie Gibson. He will tell them that the clubs would not buy it. The reason they would not buy it is they did not want to get treated the same way. The clubs and hotels wanted to maintain their control. Those opposite should go and check with Jimmy Stuart, President of the Queensland Hotels Association. He will tell them exactly the same thing.

Thirdly, if those opposite do not believe me—they have the power; they are the Government—they should change the legislation. They should come in here and change the legislation and remove the others from the licences.

Mr Lucas: We'll get sued.

Dr WATSON: The Government will get sued, all right, but it will have a monopoly. It will be able to get monopoly profits from selling it, and it will be able to pay compensation to the other licensees. So if those opposite do not believe me, they should change the legislation. I will guarantee the Government one thing. The Government will get done over,

because the clubs and the hotels would rail against it—and it knows it. I will fight an election at any time. If the Government wants to give the TAB a monopoly, I will fight that election any time. If it did this, the Government would have millions of club patrons around this State who would not want to contribute to the TAB. Neither would the clubs and hotels. They do not want to be subservient to the TAB.

The truth of the matter is simply this: the ASU Left Wing unions rolled the Premier. The first test was to decide whether the Premier of this State ran the Government or whether the unions ran the Government, and the Premier failed dismally. He failed because he thought that he was relying on the numbers man from the Left, the Minister for Tourism, Sport and Racing, but he found out that poor old Bob Gibbs did not have the numbers after all. That is the reality. Janice Mayes from the ASU rolled the Premier, and he knows it.

Time expired.

Hon. K. W. HAYWARD (Kallangur—ALP) (6.40 p.m.): It is a pleasure to speak to the amendment which has been moved by the Premier. I remind the House that this amendment states—

"This House notes the commitment given by the Premier this morning that he and the Minister for Tourism, Sport and Racing will continue to have discussions with the racing industry and the TAB to ensure a strong future for the racing industry and the TAB."

That is what this amendment is about. It is about continuing to have those discussions—continuing the process of moving forward. Although negotiations have occurred, the people of Queensland now know that the industry was trying to do things that were unfair. Mr Cooper spoke about some particular issues, and I will talk about them later, if I get a chance. When Mr Cooper was the relevant Minister, he was aware that the industry was moving to advantage itself against the Government of the day and, in the end, against all Queenslanders. Negotiations must be fair. There has to be give and take. To produce a good outcome, it must be an outcome that is suitable for all Queenslanders. It must be in the interests of all Queenslanders.

One example that I could talk about is the deal with Sky Channel. In late 1995, a number of major Queensland race clubs entered into exclusive arrangements with Sky Channel with regard to the provision of rights for race pictures. Of course, this action was in direct

defiance of the directives issued to race clubs by the Queensland Principal Club, which is the statutory body responsible for the administration of thoroughbred racing in Queensland. These rights included those for pay television. And as commercial transactions were likely to occur, the New South Wales TAB then purchased Sky Channel. The result was that a direct competitor of the Queensland TAB had exclusive access to the rights sold by Queensland race clubs. That was the situation in which racing in Queensland was placed.

In September 1998, a national pay television channel was introduced by Sky Channel, and all State TABs were requested to pay additional fees for the establishment of the pay television racing channel. But in Queensland, the racing clubs were not prepared to waive their fees—the fees that they had received in the exclusive deal that they had done with Sky Channel. They were not prepared to waive those fees in order to ensure that the TAB in Queensland was able to receive those race pictures at minimal cost. Of course, they were interested in themselves and in fighting their own battle. I notice that Mr Cooper is nodding in agreement with what I am saying.

Mr Cooper interjected.

Mr HAYWARD: The member had his chance. As a consequence, the TAB then incurred an additional cost of in excess of \$1m to secure those pay television rights. As anybody who has anything to do with racing would know, pay television has a significant and positive impact upon Telebet turnover in Queensland. Of course, this uplift in betting turnover has vindicated the decision of the TAB to access pay television. However, the rights fees which Sky Channel charged the TAB are, in effect, paid by the entire racing industry through reduced Queensland TAB distributions.

The fact is that the race clubs with Sky Channel contracts double dip by obtaining a fee from Sky Channel. Then they access the distribution money made available from the Queensland TAB after it has paid Sky Channel for the racing pictures. So they have the opportunity to double dip—and they do. During the negotiations, it was put to them that they should make that million-dollar contribution to the TAB to ensure that it happens. They said, "No." That was part of the negotiations, and the people of Queensland know what is going on. If there are negotiations, those negotiations must occur in good faith. That is what the strength of this amendment is about. This amendment says that the Minister and

the Premier will continue to have those important discussions.

Time expired.

Mr SANTORO (Clayfield—LP) (6.45 p.m.): It is a real pleasure to be able to participate in this debate tonight. The honourable member for Moggill and others in this place have shown conclusively that members opposite are captives of forces that are well and truly outside this place. The challenge before this Parliament tonight is very clear. Queensland's racing industry is under threat. It is under threat from the already privatised TAB in New South Wales and Victoria. But all is not gloom. In fact, all is very positive. There is an answer, and everyone knows this, including all honourable members opposite—including the Premier and his Racing Minister. The answer lies in the privatisation of the TAB, and the racing industry is unanimous in its call for this.

Other members on this side of the House have already outlined just how important the racing industry is to Queensland, both in financial and recreational terms. This is not something that we can afford to jeopardise. The Premier and his Racing Minister have been outspoken in their support of TAB privatisation. Only a few days ago, they were going around the State saying that they supported privatisation. But it seems very odd that they have now decided to can the whole proposal. It is not only odd but, as other members on this side of the House have said, it is very telling. It is a very telling sign that this Premier and the Minister are unable to control the union heavyweights that lurk up and down the corridors of 100 George Street. The real facts are that Janice Mayes, a senior executive of the ASU—

Mr Cooper: He hates her.

Mr SANTORO: She absolutely hates the Minister, and the Minister hates her because she rolled the Premier and the Minister for Racing. I heard the honourable member for Mansfield quoting all sorts of metaphors relating to the racing industry. All that I can say is that, in racing terms, the Honourable the Premier, the Honourable the Minister and all members opposite have been well and truly gelded by Ludwig, the Left and all the union heavyweights.

It is a very telling sign of how much weight and credibility the Premier has with his own rank-and-file and ALP members. He has absolutely none. The honourable member for Toowoomba North, the shadow Minister, travelled throughout the State of Queensland and along the coast encouraging honourable

members opposite to support their Premier and to support the Minister. But each and every one of them said absolutely nothing in support of the Premier or the Racing Minister. That shows the lack of support that the Premier has from his backbench.

The amended motion states—

"This House notes the commitment given by the Premier this morning that he and the Minister for Tourism, Sport and Racing will continue to have discussions with the racing industry ..."

"Discussions"—after the enormous amount of good work that the honourable member for Crows Nest did as Minister. He had the industry at the table.

Mr Healy interjected.

Mr SANTORO: Yes, the Minister himself said that the issue was dead. But all of a sudden there are more discussions.

Another point is proven by this amendment: that Mr Beattie, the Premier and his Government talk a lot but they do very little. They are all talk and absolutely no action, particularly when the union movement and the union heavies stamp their feet and say, "You are not going to do what is ideologically against our interests."

Mr Borbidge: The Labor Party has the industry offside from one end of Queensland to the other.

Mr SANTORO: I accept that. That is another good horse analogy from the member for Surfers Paradise. From one end of one horse to another, from one end of Queensland to another, the industry is offside.

Queensland is beginning to awake to the fact that this is a do-little Government. It is all talk and absolutely no action. People are realising that it is not a Government that is in control of its own destiny, let alone the destiny of Queensland. The tragedy is that it is destroying a racing industry that provides so much wealth, employment and recreational pleasure and activity for Queenslanders. That is all because this Government does not have the guts to come into this House and tell its union mates, "We are in charge of policy and in charge of Queensland, not you." Members opposite know that, if they went onto the floor of the convention with a policy to privatise the TAB, they would be thrashed. What an additional embarrassment that would be! However, they are prepared to sacrifice all the good in the racing industry to satisfy the ideological bent of their union mates who themselves are bent in relation to the racing industry. For that the Premier will pay a very high price.

Time expired.

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (6.50 p.m.): One thing that this Government and the racing industry in Queensland have in common is this: a concern to ensure that the racing industry grows. We share the concern of the people of Queensland that, if the TAB is to be sold, Queensland should get a fair deal from that sale. The Government will ensure that that happens. Per capita TAB betting turnover in Queensland is about \$395 per person. In New South Wales, it is about \$601. That indicates that plenty of Queenslanders are betting on the New South Wales TAB. In Victoria, it is \$528. We want the Queensland TAB to have a betting turnover that enables it to also provide a pool of dividends and funds for the racing industry that would allow racing to grow in Queensland. However, we will not short-change the people of Queensland by giving the TAB away and doing backroom deals to fund consultants as the previous Government did.

If the TAB is to be sold, we would prefer it to be sold by a share float. If there is to be a share float, there has to be something in it for the investors, the mums and dads of Queensland who want to invest in the TAB. We know that in this State the TAB is an icon. We know that the TAB has a great deal of public support. That is why the Labor Party finds the sale of the TAB such a difficult issue. If we are to sell it, we want the people of Queensland who are going to invest in it to get a fair deal from the dividends of the TAB. We are not just going to hand it over wholesale to private enterprise, bank consultants and the industry without a fair deal for Queensland investors.

The deal that the industry wanted was not going to make such a float possible. That is what prevented the deal from proceeding. The Opposition needs to acknowledge that we are still prepared to negotiate. We are still prepared to progress the issue. In principle, we support the heads of agreement that the previous Government did a deal on. However, unlike members opposite, we will not hand over the TAB for nothing. We will not sell Queensland down the drain—like old dear Dr Watson did with the poker machines—and hand it over to the Victorian TAB. That is not what we will do. We will stand up for Queensland and for Queensland families who want to have a fair shake in the way the TAB is to be operated.

This process is about the welfare of the racing industry. The problems of the racing industry cannot be solved just by increased

funding. We want the racing industry to get its house in order. The coalition never required that. They never got the deal sold. They never sorted it out. This Government wants the racing industry to get itself sorted out before it starts handing over the TAB. The racing industry is preparing a strategic plan. It commenced that process in January this year. Perhaps when we see that strategic plan we will see that it is able to make the adjustments that will make the industry more competitive. Then we will have a better chance of getting a deal resolved with them. However, we will not hand the TAB over without getting a fair shake for those people who are wanting to invest in it.

We have stuck by the substantial elements of the heads of agreement. We have agreed to give the financial boost of \$10m straight back to the TAB. We have agreed to forgo the debt of \$34m to provide a capital injection for its capital works. However, all that financial uplift was offered by the coalition without any expectation that the industry and the TAB would improve their performance as a result of privatisation. It requires a commercial focus. That is what we will require. Even a 2% increase in wagering turnover will result in a \$1.5m increase in the annual financial package available to the industry. If it is to receive that increase in the financial package that is available to it, it has to improve its performance. We want to see a strategic plan put in place.

We will also require that, if the TAB is floated, we will get a fair shake for the shareholders and the dividends they require. They were never going to get that while we were being expected to fund the consultant for the industry to the tune of \$2m to tell us that we should sell our asset, the asset of Queenslanders. That is what the coalition was going to agree to. It was going to give the TAB away. The industry came to us and said, "That is what the Opposition has agreed to; you do it for us." We will not hand over the TAB holus-bolus without a guarantee that employment would be protected, that shareholders would be protected and that Queensland would benefit.

Time expired.

Question—That Mr Beattie's amendment be agreed to—put; and the House divided—

AYES, 52—Attwood, Barton, Beattie, Black, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, E. A. Cunningham, J. I. Cunningham, Dalglish, Edmond, Elder, Feldman, Fenlon, Foley, Fouras, Hamill, Hayward, Kingston, Knuth, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson, Nelson-Carr, Nuttall, Paff, Palaszczuk,

Pearce, Prenzler, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Turner, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 31—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, Gamin, Goss, Grice, Healy, Hobbs, Horan, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Veivers, Watson. Tellers: Baumann, Hegarty

Pairs: Gregory, Bundamba; Woodridge, Barambah

Resolved in the affirmative.

Motion, as amended, agreed to.

Sitting suspended from 7.02 p.m. to 8 p.m.

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS AMENDMENT BILL (No. 2)

Second Reading

Resumed from p. 2887.

Mr BEANLAND (Indooroopilly—LP) (8.30 p.m.), continuing: Earlier this evening I was referring to where the Premier was going with this raft of issues in relation to the right to negotiate. A study of the Premier's records to date can only create confusion because of the number of positions that have been adopted by him. We need these matters cleared up.

For example, I believe that it would be instructive for the House to hear from the Premier where he stands on infrastructure issues, both in relation to large projects that cover a great deal of territory, such as gas pipelines, and smaller projects that are undertaken in our towns and cities. This Bill is silent on those issues, yet they constitute an area the right to negotiate potentially affects that, collectively, may well be as significant as mining. I say that because of the types of things that the term "infrastructure" covers, such as bridges, roads and electricity lines. The infrastructure question is of very great importance, and we have heard some of the ways in which that will be the case for Queensland. However, it will clearly have very widespread ramifications.

When the infrastructure issue was first dealt with in the Federal Parliament, Labor fought tooth and nail to make a great variety of infrastructure work subject to the right to negotiate. For example, it wanted to make public infrastructure work by public utilities, which were even exempt under Paul Keating's very misguided legislation, subject to the right to negotiate except where the issue was one of maintenance or of reconstructing works in the original corridor, such as powerlines, gas

lines and water lines. In the Senate, Labor also favoured a very broad reach of the right to negotiate in relation to infrastructure built by third parties which, as other speakers have pointed out, is becoming increasingly common. Even the former Labor Government in this State championed the use of third parties for the construction of public infrastructure projects yet, if the Premier is going to insist on a right to negotiate, we have a potential major roadblock looming for those sorts of things. That is a particular issue for Queensland. We do not have a head of power in this State, as do most other jurisdictions, for the compulsory acquisition of property rights for third parties. So there will be no quick way for us to facilitate those sorts of things.

The State cannot in a non-discriminatory way acquire all the rights that might apply to land in order to advance projects that could be crucially important regionally or even at a Statewide level. We will have to go through the full right to negotiate process if that is what the Labor Party opts for. Of course, there is no logical route to follow in relation to what we have seen from the Government to date to make even an educated guess about these matters. I look forward to the Premier clearing up these many issues in his reply.

To date, from the legislative response of this Government on the Wik package, we have seen it adopt wholeheartedly the first two points of the 10-point plan, despite Labor's opposition in Canberra. Then we have seen a mixed response on these mining issues: no right to negotiate on exploration, despite Labor's support for a right to negotiate on that activity, but a full right to negotiate on mining on pastoral land, which is in line with the Federal position. Frankly, compared to its Federal counterparts, the Queensland branch of the Labor Party is all over the place on native title.

I think that we all deserve at least a clear indication from the Premier of what he is going to do in relation to the infrastructure issue in the cities, the towns and beyond. I suspect that we know the answer because, of all the Wik-related issues that were discussed in the Senate, the right to negotiate was the one on which the Left of the Federal Labor Party really stood its ground. We can only assume that Mr McGaw from Mr Beazley's office, who I understand has been running Labor's Federal agenda around the States and telling them to toe the line on the right to negotiate, has endorsed the Premier's stance on the exploration issue. However, I believe that all Queenslanders deserve to know what Mr McGaw's riding instructions for the Premier are

on the infrastructure issue, because it is a big issue within the community generally, particularly for the people involved in the mining industry.

I suspect that we on this side of the House can see what is going on. The piecemeal approach to the Wik issues by this Government is probably not a sign of its incompetence but rather a quite deliberate tactic to keep from view its overall approach until we see the very last piece of the jigsaw fall into place. In other words, we are seeing a Government engaging in the old divide and rule principle, or the drop-by-drop Chinese water torture technique: let a little bit go, see how it rides, and then move on a step or two down the track until at the end we see a pretty comprehensive kowtow to Mr McGaw. That is what this side of the House expects to see.

Heritage issues are another aspect of the overall set of issues that will have a profound impact ultimately on the way in which any right to negotiate is going to work in this State and, indeed, nationally. There is no doubt that cultural heritage legislation both at the Commonwealth level and the State level needs a fairly comprehensive overhaul, notwithstanding the fact that the Queensland Public Service and some of our most responsible land councils have effectively worked miracles under the current laws.

Other speakers have dealt with the south-west gas pipeline and the north-west gas pipeline projects, which were triumphs for all concerned. However, there needs to be an overhaul and the definitions that will emerge in that overhaul in relation to sacred sites and sites of significance are going to be absolutely crucial. For example, we understand that the Government is considering dropping a prescriptive set of definitions in relation to sacred sites for a very blurry view that will revolve around sites of significance. We understand that sites of significance are going to be delineated so broadly as to be almost anything with which Aborigines at some time have had an association, with highly prescriptive indicators as to what authority Aborigines will have to stop projects that threaten these sites of significance. In other words, the Government's revamp of the cultural heritage laws could create an effective and quite specific veto where we are told none now exists.

As other speakers have indicated also, it is a very moot point as to whether the current right to negotiate amounts to a de facto veto. Certainly, when one looks at projects such as Century, which after many years of

negotiations in good faith is still uncertain, there is a case for saying that the veto right exists already. However, any suggestion that this could be formalised by heritage laws, which the Government is officially silent on but which could have an immense impact, is something that this House deserves to know about and know about now. We all know that claims are being made on Century in relation to the powerlines and the bridge.

Although it is apparent that the Government is intent on rushing through one corner of its right to negotiate policy either late tonight or tomorrow—and it is a very important corner—all its cards on this issue are not on the table. They should be, and I look forward to the Premier putting those cards on the table, as I have called for him to do. It really is a slap in the face for this House that we have these matters being dealt with in such a piecemeal fashion. So I call on the Premier and his colleagues to come clean and spell it out.

I also notice that the words "in good faith" have been taken out of the legislation. That does not get away from the fact that mining companies will still be required to act in good faith in any negotiations that they might have in relation to this legislation. Of course, under common law they are certainly required to act in good faith. If the Premier believes that he is doing the mining industry some great turn, that is certainly not the case because it will still be required to act in good faith. Otherwise, when it comes to tribunal or court hearings, they will not have a leg to stand on in relation to the negotiations that they have undertaken. We need to spell that out quite clearly.

In conclusion, in another place the Labor Party exempted the Chevron gas pipeline from native title legislation, but it is not exempting any projects in the Queensland legislation. That seems a little hypocritical, as anyone who listens to this debate or reads about these issues will understand. The Chevron pipeline project, which will bring gas from Papua New Guinea to Queensland, is a good project in itself, but this is a situation where Queensland—

Time expired.

Mr BRISKEY (Cleveland—ALP) (8.40 p.m.): I rise to support the Bill, which demonstrates that only Labor Governments have the capacity to resolve the complexities surrounding native title issues in the interests of the whole community and in a manner that ensures that economic development and the rights and needs of native title holders are promoted. The Bill creates jobs for

Queenslanders in the important mining sector, while ensuring that native title holders have the right to negotiate future mining activity, excluding exploration.

Premier Beattie deserves to be congratulated on devising the Bill and for setting a positive tone for the resolution of native title issues in Queensland. In just three months the Premier brought all the competing parties together and worked out a set of procedures to deal with the native title issues that arise from mining activity. The Bill delivers a process for dealing with native title issues in the context of mining activity to ensure the future prosperity of this State. This is a significant achievement, particularly when contrasted with the divisiveness and uncertainty that characterised the previous Government's litigious approach to this complex issue.

Native title is an issue that the Liberal and National Parties in Australia struggle to understand. They refuse to acknowledge that indigenous property rights pre-exist and survive colonisation. Their policies in this area are a recipe for failure. Native title has been the most contentious political issue of the 1990s. This issue has sadly and unnecessarily divided the nation. The issues involved have stirred strong emotions and, unfortunately, conservative politicians in this country have irresponsibly fuelled attention by exaggerating what native title in fact means. The approach of the Liberals and, particularly, the Nationals has been to inflame the situation, to create instability and uncertainty, and to put one group against another. Certainly they have been flagitious in their approach to the native title issue.

Mr Musgrove interjected.

Mr BRISKEY: They have most certainly been flagitious. They have constantly opposed indigenous claimants' rights to negotiate. Their propensity for litigation and their malevolence have damaged the social fabric of our nation. In fact, they have hurt the very people they claim to represent. The Leader of the Opposition will go down in Queensland and Australian history as the most divisive, mean-spirited and ignorant politician to handle native title issues. On this score, our Prime Minister, Mr Howard, has something to thank the Queensland National Party leader for because while he was around Mr Howard's malevolence appeared a little tempered. The writers of our history will cast the Leader of the Opposition and the Prime Minister as the arch villains in this part of Australia's coming of age story.

Mr Musgrove: It's certainly flagitious.

Mr BRISKEY: It is most certainly flagitious. Indigenous property rights pre-exist and have survived colonisation. Native title must be treated equally before the law with other titles flowing from the Crown. The challenge for us as legislators is to develop mechanisms that accommodate native title in our land management system. Those mechanisms must protect native title rights while also encouraging mining development and creating jobs.

The Bill is evidence of the Beattie Government's inclusive approach, which accommodates the interests of all Queenslanders. We on this side of the Chamber are not captives of the miners or the pastoralists. We do not put forward the interests of one group in our society at the expense of another. We have put our efforts into finding workable solutions based on agreements between the parties, not into putting the Queensland taxpayers' dollars into wasteful and divisive legal campaigns—the latter being the preferred approach of members opposite. The Bill recognises that the best way to get a speedy resolution to native title issues is to get the parties away from the courts and around a negotiating table so that they can reach an agreement. Litigation is expensive. It unnecessarily delays the process and it has failed in practical terms to clarify the day-to-day impact of native title.

The Native Title (Queensland) State Provisions Amendment Bill (No. 2) 1998 implements Stage 2 of the Premier's native title strategy in respect of the mining sector. It is Queensland's response to the Howard Government's changes to the Commonwealth Native Title Act. It deals with those tenures where native title has not been extinguished totally and where mining rights can be granted. It establishes a process that is fair, clear and as streamlined as possible to resolve native title issues in relation to all future activity on land where native title has been determined as existing, or claimed but yet to be determined, and which is held under non-exclusive possession.

The legislation deals with the grant of mining exploration and with mining development approvals. In detail, it sets out native title procedures that must be complied with before a grant of tenure can be issued or exercised where native title may exist. It also establishes appropriate procedures for exploration to happen in a way that is consistent with the requirements of the Commonwealth Native Title Act, with the practical aspects of mining exploration and with the articulation of native title cultural

heritage. A general description of the various procedures for each type of mining is set out in the explanatory memorandum.

It is Labor Party policy to maintain the rights of indigenous people to negotiate on resource developments. In 1993, the Keating Government's Native Title Act gave Aboriginal people a right to negotiate in relation to mining developments on land over which they had a native title interest. The Howard Government's aim was to completely remove that right to negotiate where pastoral lease land was concerned. The Commonwealth Native Title Act provides only the bare minimum procedural rights for native title holders. It is an approach that unnecessarily pushes the parties into a legal battle.

The Beattie Government's aims are clear. We want to encourage investment and mining development in Queensland that respects the rights of native title holders. However, the policy options open to us to achieve this aim are constrained because they must be consistent with the Commonwealth Native Title Act. The approach that is laid out in this legislation will provide a process for dealing with native title issues in future land activity by encouraging all players in the process to work together, away from the courts, to reach agreement. We believe that comprehensive agreements negotiated in good faith and with goodwill by all interested parties are the way to go. This approach imposes procedural obligations on all parties to engage in the process sensibly and not to attempt to subvert it.

The approach also places on the Government a responsibility to provide practical assistance to secure agreements. The Government will provide this assistance in three specific ways: firstly, through the expansion of the Government's negotiating services, which will now include a larger team of specialist negotiators and mediators to facilitate negotiations; and, secondly, through changes to the operation of the Historical and Anthropological Unit. That unit has changed its focus from simply assessing and evaluating the veracity of connection reports to actively assisting claimants to source material available from Government records relating to their claims. This will significantly improve the process and hopefully speed up final settlements of claims. I am pleased also that the unit will conduct workshops around Queensland outlining what records exist, how claimants can find them and what other historical material is available. Thirdly, the Government will provide assistance through the establishment of a Communication Unit

within Native Title Services. This unit will hopefully minimise the misunderstanding and confusion that has characterised native title issues—misinformation, I might add, that members opposite take great delight in peddling.

A Government member: Outrageous.

Mr Musgrove: Hideous villains.

Mr BRISKEY: Indeed.

The primary function of this unit will be to ensure that clear, user-friendly information is disseminated to the stakeholders likely to be involved in future native title claims. These practical forms of assistance are long overdue and will be of particular assistance to my constituents who are currently working on the Quandamooka native title claim.

I take the opportunity provided in this debate to praise the work being done by many dedicated people in my electorate to reach a native title agreement with the Quandamooka people. The approach that has been adopted in my local area mirrors in many ways the approach set out in this Bill. It is a grassroots approach. It relies on bringing the parties together and discussing the issues in a fair, open and informed manner. As part of the process to reach this agreement, the State Government is currently negotiating with the Quandamooka Land Council on a framework agreement on native title determinations, which will set out the broad principles and time lines for negotiations and consequently assist both parties to negotiate the native title claim.

These State/land council negotiations follow the signing of a process agreement between the Quandamooka Land Council and the Redland Shire Council last year, which set out a course that recognises the Quandamooka as the traditional owners of North Stradbroke Island and affirms the shire's local government role. The agreement means that the Quandamooka people will have a key role in the development of a comprehensive management plan for North Stradbroke Island.

The President of the Native Title Tribunal, Justice Robert French, attended the signing ceremony for this process agreement and heralded it as an example of "how a well informed and positive approach can create opportunity out of the lodging of a native title claim" and how agreements can be reached that are beneficial to all members of the community.

The work that is being done in my electorate on native title demonstrates that, when the parties come together in an informed and open manner, solutions that benefit all

parties can be found. This is the approach that is at the heart of this legislation. It is legislation that provides the road map for all parties to find their way speedily to a final agreement on native title claims, and once the agreement has been reached this legislation provides the individuals involved with certainty—certainty which stimulates investment and, most importantly, job creation.

Mr HOBBS (Warrego—NPA) (8.54 p.m.): Earlier in this debate we heard the member for Archerfield speaking about dignity and economic stability for Aboriginal people—something that everyone wants them to have. Mabo and Wik have led to divisions between Aboriginal people and the whites of Australia. However, on this issue there has been greater division between black and black than between black and white.

The expectations given to the Aboriginal people have been unrealistic. The support by the white carpetbaggers has been disgraceful. This legislation has taken the debate back more than one year. We heard the member for Cleveland state that only Labor can solve native title. What gives you the arrogance to say that?

Mr DEPUTY SPEAKER (Mr Reeves): Order! I remind the member of a previous ruling by the Speaker that members must refer to other members by their correct title and not as "you".

Mr HOBBS: The member for Cleveland said that only Labor can solve native title. What gives the member for Cleveland and the Labor Party the arrogance to say that? What experience and knowledge do they have over and above those who over generations have lived and worked the very land that is in dispute with the Aboriginal people! They have none of that. This legislation is taking us back more than one year. The Government is turning back the clock. The House of Representatives and the Senate approved a 10-point plan. The minority Beattie Government is varying a process that has been approved by the Senate. We have had the debate and agony has been experienced by everybody—the white community and particularly the Aboriginal people. All the Government is doing is dragging out the issue, the issue being the right to negotiate.

A claim that is regularly made by members opposite and members of the Indigenous Working Group is that one of the factors which makes the right to negotiate regime in this Bill less onerous than it might otherwise be—and which therefore allegedly makes it more reasonable, all things

considered—is that the registration test for accessing it has been made tougher. The claim is that this means that only bona fide claimants will have the opportunity to access the right to negotiate.

There is no doubt that one of the most controversial aspects of the right to negotiate as it has developed is that it is a very major right that has been available not just to native title holders but also to native title claimants. As soon as there has been even a sniff of a mining project, native title claims have emerged. Whether or not the claim has had substance—and to date there has been absolutely no way of telling that at all—the claimants automatically gained access to a right to negotiate. That was a very powerful right to gain access to so easily.

It carried with it a right to negotiation over a six-month period after a two-month notification period. It carried the right to six months of mediation by the National Native Title Tribunal and then a two-month period in which the relevant Minister, on a narrow set of parameters, might overturn the National Native Title Tribunal decision. Section 39 of the Native Title Act required that in any determination that was made a vast range of views concerning native title—views that had not yet been established—had to be taken into account. Based on those very broad criteria, it opened up the potential for claimants to receive massive payments.

Within that process there were also massive opportunities to spin it out for years and to engage in, as Bill Hayden identified in relation to Century last year, near extortion. We have had undertakings of expenditure of some \$90m by the proponents of that project and the State, and we still cannot build a bridge over the Gregory River to provide that project with all-weather access.

So it is readily seen that where claimants gain access to the right to negotiate they gain very considerable rights indeed. And they did so really without having to establish anything. All they had to do was whack in a claim. The claim really did not have to be backed by any substantive data. There was effectively no registration test for all of the claims that wanted to go to the next step and achieve—before there was any determination of native title—access to the right to negotiate. Of course, that was just ridiculous because it really did mean that, whenever and wherever a mine has ever been contemplated, the typical situation very quickly was that there was not only one claim; there were numerous claims, overlapping claims where the interest was very

typically not land rights but an ability to lock onto a source of cash from, in fact, the mining industry.

That was stated very plainly by the mining industry in evidence before the joint parliamentary committee on native title when it was considering the Commonwealth's amending legislation which had, in turn, led to this legislation. It was clearly the money in many cases, not the native title, that was being pursued. Honourable members opposite know that; I know that; everyone knows it. That phenomenon is, of course, apparent to anybody who can read a map.

The issue of trying to bring some sanity to the situation was an obvious error that the Commonwealth sought to address when it was considering its Wik amendments. It wanted to achieve a situation whereby there were at least some minimal requirements in relation to both the initial application for a claim and then a more substantive test again if claimants wished to engage the right to negotiate so there could be at least some valid basis for assessing the very major statutory rights of the right to negotiate. Of course, attention has focused on the issue of the registration test and the right to negotiate rather than the application test.

The Commonwealth specifically sought to place some baseline requirements on claimants who sought registration. These were—

- that the area to be claimed be identified with some certainty;
- that the people making the claim be identified;
- that the native title rights and interests being claimed be identified;
- that the factual basis on which the claimants claim to be the native title holders be described;
- that the registrar must be satisfied that prima facie the native title rights claimed in the application could be made out; and
- that at least one member of a claim group has or has had a traditional physical connection with the land.

None of those requirements in the proposition that was put by the Commonwealth was particularly onerous. In fact, one would have thought that each and every one of them ought to have been a requirement of the original Act of 1993. The point which, of course, attracted the most attention was the requirement that there be a physical connection by at least one

member—just one member—of the claimant group with the land over which rights were being claimed.

There is a sentimental view abroad that there ought not be any requirement at all for any establishment of a physical connection at any distance that requires any substantive level of proof before a claim is lodged and, simply by being lodged, provides claimants with very strong procedural rights. The source for this position used time and again by members opposite is what they refer to as the "Brennan test" in Mabo where some words of his honour in the context of connection with the land are selectively quoted. The passage that is used is at page 48 of Justice Brennan's judgment and the selective quoting is—

"Where a clan or group has continued to acknowledge the laws and, so far as practicable, observed the customs based on the traditions of the clan or group in question, whereby their traditional connection with the land has been substantially maintained, the traditional communal title of that clan or group can be said to remain in existence."

The sentimentalists, of course, do not quote other passages from Brennan or a number of other justices which do not serve their purpose. Even the lead-in by Justice Brennan to the comments quoted leaves his meaning ambiguous. Then if one goes to the comments of those two great favourites of the ALP, Justice Deane and Justice Gaudron, one finds that their view at page 101 of their joint judgment is that native title will have survived "where the relevant tribe or group continues to occupy the land". Justice Dawson held that all native title had been extinguished and that, if traditional land rights were to be granted, then the responsibility, both legal and moral, was with the legislature, not with the courts. Toohey did not have much to say on that topic.

So a great diversity of views were expressed across the bench in Mabo providing guidance as to how one might structure an improved threshold test and, of course, even on where a threshold test was necessary relative to the deed of extinguishment that had occurred. The so-called Brennan test, the threshold test so beloved of members opposite can therefore readily be seen as a highly selective presentation that has no particular status. I would defy anybody to read the Mabo judgment in full and come away with any view other than that it was a collective view of the majority that the great bulk of native title had been extinguished via dispossession and via subsequent Crown dealings in land, and

nothing said in Wik really contradicts this, notwithstanding the extent to which the pastoral lease issue has been beaten up by members opposite.

The majority in Wik simply held that it was not necessarily the case that all incidents of native title have been extinguished by non-exclusive tenures and, in particular, by pastoral leases. The insistence of members opposite that there ought be no need for a physical connection is from the same beat-up bag. It is based on the sentimental rather than the real state of affairs. It owes a lot more to the sentimental view of Labor's Federal shadow Attorney-General, Nick Bolkus, that Aborigines are the landlords and pastoralists are the tenants and the similar views of the Democrats than it does to the so-called Brennan test.

The fact is that the call by the Commonwealth coalition for a physical connection test is indeed valid. As Nick Minchin explained to the Senate many times, the right to negotiate is a very powerful set of rights to make available to people who simply have an unsubstantiated claim to their name. There ought to be higher standards and it is nothing short of extraordinary that, for the first time, the new Commonwealth Act actually requires a reasonable standard of proof in relation to matters as simple as what area is actually affected by the claim, who is making it and what they actually claimed.

If one is going to be claiming substantial coexistence rights with a pastoral leaseholder to the extent that the claimed rights mean one ought to be consulted about what happened on that land before that claim is even established, then a test of physical connection is only reasonable. But to determine whether the threshold test that actually emerged from the Senate really does have that much of a sting in trying to reduce access to the right to negotiate by ambit claimants—and nobody can deny that we have seen plenty of that—one really has to look at what actually emerged from the Senate, and it was pretty tame.

The Commonwealth originally sought a straight-up declaration that at least one member of a claimant group had, at some stage in their life, a substantive physical connection with the land. That is all it is asking. It could have been 20, 30 or 40 years ago, but it had to be there if the claimants were going to access the right to negotiate. It ought to be emphasised that this was a requirement not for a native title claim, which could go ahead whether a claim was registered or not either before the native title tribunal or before the

courts, but was only to be applied to situations in which Aborigines sought access to the right to negotiate. To achieve that very substantial right, they had to establish that connection.

It was qualified to the extent that, if the claimants could establish that they had such a connection in the past but it had been discontinued, then the previous connection would suffice—and the Senate rejected that. We have had the debate and we are having it again. We had Labor saying that pastoralists were the tenants and that Aborigines were the landlords; we had the Democrats and the Greens going along with that and we had Senator Harradine, who thought, as did Senator Bolkus, that the land was still all Aboriginal land.

What emerged in July was a significant variation in the Commonwealth's original scheme, and it was that the so-called Brennan test applied. The only reason an application or registration was rejected was the failure to establish that just one member of a claimant group had had access to the claimed land area in their lifetime. That would be appealable to the Federal Court. So much for the super-tough registration test! A claim can still be made on the same sort of criteria but with a requirement for a bit more detail.

All that did was reverse the reverse discrimination that was contained in relation to the quality of material that had to be presented in the early days of the Act when there was an Uncle Tom sort of assertion that because people were black they should not have to do too much. Quite frankly, they can afford better legal representation than can most people in this Chamber. Then, if the only reason the registration was knocked back was that the connection test could not be satisfied, that could be appealed on the basis of a connection that existed one or more generations ago.

In the end, that is not too onerous a test. It remains to be seen whether it ultimately reduces the extent of access to the right to negotiate. The suggestion that it is somehow a massive and unfair hurdle, or a hurdle that somehow makes the application by members opposite of the right to negotiate to mining leases on pastoral leasehold land in this State more acceptable, misses the point entirely.

The point, as other coalition speakers have stated, is that the right to negotiate should not apply to mining on pastoral land in this State. Aborigines got the right to negotiate originally in relation principally to vacant Crown land—land that had never before been dealt with by the Crown—on the assumption that if

they held land rights then those rights might approximate freehold. We now know as a result of the Wik decision that any rights Aborigines might hold in relation to pastoral land are a long way from freehold rights. At best, they are coexisting rights which must yield to the right of the pastoralists. It is therefore ridiculous that what is contemplated in the Bill before the House is that people with a potential interest in land, which, even if proven, would consist of far lesser rights than the pastoralists enjoy statutorily, should have a far greater right than the pastoralists when mining is proposed on that land. The pastoralists get limited procedural rights under the Mineral Resources Act; Aborigines get the full-blown right to negotiate.

Ms BOYLE (Cairns—ALP) (9.13 p.m.): It is a special privilege for me to be a member of the Beattie Government introducing this native title legislation to the Parliament of Queensland. The decisions to at last give the indigenous people of our nation recognition, first of their pre-European existence and second of their strong cultural connection to the land, have been historic social and legislative events of this decade in Australia.

There are few, if any, Australians who argue the intention behind the associated legislation. However, there are many Australians who have been dismayed, frustrated and, as time has passed, increasingly critical of the stalemate that has arisen in implementing the Commonwealth's native title legislation. The responsibility for this stalemate falls at the feet of Prime Minister Howard and his coalition Government. Unable to act decisively to resolve this stalemate, the Howard Government has shuffled much of the responsibility to the States.

The former Premier of Queensland, the honourable member for Surfers Paradise, was not up to the job. What a career for the member for Surfers Paradise—to rise to the position of "Mr Premier", then to "Mr Indecisive", then to "Mr Negative". Then the people of this State judged him "Mr Not Up To The Job". But Premier Peter Beattie has wasted no time in proving that he is up to the job. He has carried out his commitment to resolve the stalemate and thereby to address the division created by miners, pastoralists and indigenous groups and within the broader community.

The Premier and his advisers and staff on this project have consulted, considered, drafted and consulted again. Now, with the unanimous support of the Labor members of

this House, he presents a practical, fair and sensible solution that supports agreements and forces action within a reasonable period of time by any party involved in a particular proposal, whether mining companies or indigenous groups. It prevents either party being deliberately obstructive. It prevents unnecessary prolongation.

The model behind this Bill is in its essence a model for managing disputes, not only in law but also in many other fields of human endeavour where differences may arise. The principle is equitable opportunity to negotiate a joint solution with the use of external power to oversee fair process and timely progress. Understandably, therefore, parties with extreme views are not happy with this legislation. Neither the mining council nor some indigenous groups are happy, and that is because they did not get it all their own way. Nonetheless, their criticisms of this Bill have not drawn widespread attention across the broader community. In a real sense, that is proof that this Bill is fair, is down the middle and does consider all interests, though it does not concede control to either business or indigenous groups. It will bring, with force if necessary, resolution within a reasonable period of time.

The region of Cairns and the far north is home to one-third of Queensland's indigenous people. We are also host to large mining companies and home to miners and their families. Cairns, as the city for the region, recognises the rights of indigenous people and the important socioeconomic contribution of their culture to the future of Cairns. Similarly, Cairns recognises the value of the mining industry, large and small, to the region and the importance to the individuals and families of the jobs that flow from it.

What the Cairns community does not want is what we have had under the previous Government—business bogged down, even turned away, and indigenous people ignored and their historical bonds and future choices brushed aside while only lawyers prosper and picnic. What the broader community of Cairns does want is not one group to win and one to lose. It wants resolution. It wants to feel secure that indigenous people are given a fair go while at the same time business is welcomed and given the go-ahead, so long as projects demonstrate social benefits and quality environmental management. It wants business to create jobs, to make profits and thereby to engender prosperity in which we can all share. It wants native title issues sorted out and off the agenda so that we can move forward.

That is what this Bill does. It balances mining and indigenous interests, it resolves disputes fairly, it ensures timely action and it moves us on. It will, if passed by this House, be another major step by the Beattie Government in resolving native title issues and thereby taking them off the agenda. This Bill is a practical, fair and sensible solution and I am proud to commend it to the House.

Hon. T. R. COOPER (Crows Nest—NPA) (9.18 p.m.): I rise to take part in the debate on the Native Title (Queensland) State Provisions Amendment Bill (No. 2) to put the case not for myself or anyone on this side of the House necessarily but for the pastoralists out there—the landowners and the farmers—who are the people who have been affected by this stupid drivél ever since it came in back in 1993. That is exactly what it is.

Perhaps we could have lived with Mabo, but then came the Wik decision, which was one of the most divisive and disgraceful decisions and which has set this country on a divisive path. That is the tragedy. People talk about reconciliation, but I do not know how on earth anyone will ever get reconciliation after a decision such as Wik, which has been followed by legislation. Poor old "Little Johnny" gets the blame for just about everything. Those opposite tend to forget that it was Paul Keating who implemented Labor policy on top of the Mabo decision. That is a fact, and we all know that. To have to listen to the high, pompous, holier than thou drivél coming from members on the other side of the House is enough to make anyone sick, because this is not going to resolve the issue at all. Government members should let this through, and then they will see just how divisive it is. Not one member opposite has offered his or her frontyard or backyard. There is no way in the world that they would do that. If it is going to be fair to all, they should offer up their own backyards and see how they go.

I want to outline some of the background behind the right to negotiate and this Bill before the Parliament. When the Native Title Act was developed by the Commonwealth in 1993, Aborigines were given a unique right to negotiate over mining projects on native title land. Achievements of benefits from, and even a veto over, mining projects had been a goal of Aborigines both in development of the Act and historically. The fate of Aboriginal influence over mining had been a central factor in major land rights cases in the courts prior to Mabo, and it was the core issue in the development of the Northern Territory Land Rights Act in the 1970s, when Aborigines achieved a veto over mining. It was Gough

Whitlam and Labor, though, who wanted the Northern Territory model to apply nationwide.

The right was granted for mining projects on native title land in 1993 by the Commonwealth, ostensibly on the premise that it needed to provide Aborigines with special benefits in the Native Title Act to make up for what was assumed at the time to have been near wholesale extinguishment of native title. Also, it was said to be necessary because the Constitution demanded that any Commonwealth legislation in relation to Aborigines had to be beneficial, and there was allegedly concern that, without a right to negotiate, the Native Title Act might not meet the constitutional requirement.

It is arguable whether these explanations were genuine or simply an artifice to enable the ALP to deliver on long-held policy. The right to negotiate thus set in place did not attract a great deal of attention at that time in Queensland, because it was then widely assumed that native title could exist principally only on vacant Crown land, and only approximately 2% of Queensland was vacant Crown land. It was always going to have a massive impact in Western Australia, where 40% of the State is vacant Crown land and where historical reservations in pastoral leases protecting some elements of native title made mining on pastoral land subject to the right to negotiate from the very beginning.

The bulk of Queensland—some 75%—is held under various pastoral and agricultural tenures that do not carry WA-style native title reservations, and it was assumed then that neither native title nor the right to negotiate would apply here because a majority of the High Court had held in the Mabo judgment of 1992 that, while native title had survived settlement, it had largely since been extinguished by inconsistent grant. The majority held that, where titles which provided exclusive possession had been granted, native title had been totally extinguished. Where grants were less than exclusive, possession of native title was extinguished to the extent of the inconsistency. The majority also held that freehold and most forms of leasehold, including pastoral leasehold, were grants of exclusive possession which had extinguished all native title except where the leases held carried specific reservations, as in Western Australia.

The issue became of significant interest in Queensland when the High Court ruled early in 1996 that the National Native Title Tribunal had erred in rejecting the Waanyi native title claim over some pastoral land in far-north-west

Queensland. The claim also covered the Century Zinc ore body. The court said that the issue as to whether or not pastoral leases extinguished native title was alive in the Wik case and that the NNTT must accept it. The Wik case was a pre-Native Title Act land claim launched in 1993 over, initially, 11 pastoral properties on Cape York.

While it was not until the Wik decision of the High Court in December 1996 that the potential for coexisting native title on pastoral leases was established—by the court revising the view that it had expressed in Mabo that pastoral leases were grants of exclusive possession—it was, in fact, the Waanyi case which extended the reach of the right to negotiate to mining projects on pastoral land in Queensland. As soon as the court directed the NNTT to accept the Waanyi claim, a right to negotiate process for the Century project became inevitable, and the NNTT was forced to accept claims over pastoral leasehold land and, in practice, over all tenures short of private freehold land in Queensland, thus exposing virtually any and every mining project proposed in the State to the right to negotiate. That is where the damage was done.

Many people in the UGA, the National Farmers Federation, the Cattlemen's Union and all those people representing primary producers in this State felt that they could have lived with the Mabo decision itself. That Keating wanted to impose ALP policy as a result of that—and used it accordingly—caused enormous difficulties. However, the worst difficulty came when the High Court ruled in the Wik case, and that was when the trouble really started. It is of interest to note that, in the decision of the High Court in the Wik case, the three judges who supported the decision on Mabo, including the Chief Justice, opposed the decision in the Wik case. It was only in the advent—if I can put it in those terms—of Justice Michael Kirby that things started to change around. But as I said, that is where all the trouble started, and it has caused many problems within the pastoral industry. That is a shame. Of course, it is history that a letter was written by Bill Hayden to the then Premier, Rob Borbidge, wherein he said that some of the discussions that he had had with the people negotiating for the Aboriginal people were nothing short of extortion. That is how things get so far out of control.

I want to mention my discussions with the United Graziers Association. I refer to when the Mabo decision was made and Rick Farley was working for the National Farmers Federation. Of course, he was a lackey and a clone of the Prime Minister of the day, Paul Keating.

Keating rang him one night and asked him to make sure that the National Farmers Federation supported the native title legislation stemming from Mabo. Of course, he jumped to that with alacrity, because that was his way. But by doing that, he committed the entire National Farmers Federation—of which the UGA was an affiliate—to that particular piece of legislation. Proof positive of that was when that fellow stood recently for the Democrats. I have always warned the UGA, the Cattlemen's Union and anyone else who would listen about his politics. He took us for a ride, and he took the UGA for a ride, as well.

The United Graziers Association is giving the following advice to its members in relation to native title agreements: people should deal only with local people; they should deal only with native title holders; there should be no commercial implications; there should be no interference with management; there should be access for specified purposes, and that must be specified clearly; the landowner can agree to preserve clearly identified sacred sites; there should not be a condition of the lease; the agreement must be enforceable on Aborigines; any agreement must comply with the code of conduct; and all the agreements must be voluntary. The UGA does not support regional agreements. As well, any agreement must have some advantage for both sides. The UGA believes that native title exists only where the court or legislation says it does.

The real Trojan Horse of all of this is another piece of legislation about which the UGA has warned me. I refer to the Queensland Government's option paper titled Cultural Heritage Protection for the Purposes of the Alternative State Procedures. It is a draft paper on cultural heritage. That is the Trojan Horse of enormous and immense danger to the pastoral industry. People in the pastoral industry have expressed extreme concern that, even if native title and the right to negotiate do not work, they will fall back on this, and this will be the vehicle which will cause great angst and trouble amongst people in the pastoral industry.

It goes on to say that the paper establishes the basic position that "the State of Queensland recognises that all country has meaning for Aboriginal and Torres Strait Islander People" and then moves on to develop special measures for dealing with land and resources within that framework, that is, the entire State of Queensland. That approach is likely to cause considerable unease for Australians of non-Aboriginal descent, particularly those who occupy and work the land or develop its resources. Government

intervention in property and resource utilisation should be aimed at fairness, equity and efficiency. Governments should also recognise that democratic rights are individual rights under the law. Legislators should not encourage a particular racial or ethnic group to claim or expect in perpetuity special rights or privileges not available to other citizens.

The High Court principles established in *Mabo* and *Wik* were aimed at preserving the historical rights of indigenous people to continue to live in the traditional manner where they had been observing that lifestyle for centuries following white occupation and settlement. It was never intended that special rights in perpetuity be granted to people of mixed racial background living in the modern community as ordinary citizens, who have never so much as visited the land that they now wish to claim.

The response from the pastoral industry goes on to say that the current policy of minute inspection of land in the hope of finding or fabricating something that will give rise to intervention, protection or compensation will surely cause resentment among other Australians. The proposed establishment of a cultural heritage management strategy will certainly create the fear that that device will be used as a vehicle for political intervention by Aboriginal interests seeking to interfere with the use or development of land or to procure payment to allow certain activities to proceed. The pastoral industry fears that a CHMS regime will be used to coerce land-holders to enter into concessions or agreements for the benefit of one racial group that were not mentioned at the time the land was leased to them by the Crown for development and have never been part of the land management regime.

The pastoral industry also notes that that regime is intended to encompass the promotion of indigenous land use agreements, ILUAs. The pastoral industry is aware that ILUAs are the preferred approach of the present Government in addressing Aboriginal land and cultural issues, but the pastoral industry does not believe that being forced into agreements of that type will be a lasting solution to native title problems. Firstly, it would be unfair to expect land-holders to negotiate when they do not know their rights. Secondly, there is ample evidence in previous agreements of non-compliance, with no mechanism for redress. The pastoral industry also believes that the heritage protection regime as proposed in the draft paper will act as a de facto right to negotiate on all land,

even land accepted as bestowing exclusive occupancy.

The pastoral industry has provided a submission to the Evatt inquiry. The thrust of that submission is that there should be a register of sites of significance to apply generally. Only sites that would meet a general test likely to be accepted by an average Australian citizen, regardless of race, as being of major cultural value and worthy of preservation should be subject to intervention. Where a site is nominated as being a secret site, such a site should be kept on a secret register under the control of a suitable independent person acceptable to the custodians who would confirm or deny the existence of a secret site where development was contemplated. The pastoral industry has a great suspicion of cultural heritage surveys. It does not support "fishing expeditions". Unless a traditional person can actually identify the nature and location of a site of significance in advance of inspection, then land-holders have a right to be sceptical if something is discovered by people who have not previously visited the site.

It would be possible to discuss the draft paper clause by clause, but the whole paper is dedicated to supporting a particular point of view in favour of one group. The pastoral industry believes that it needs to be reworked completely to show fairness, equity and balance. If anyone thinks that this issue will be all over after this legislation is passed, they can forget it. The problem will continue. Private land-holders along the proposed Chevron pipeline route in Queensland also have expressed extreme concern at many aspects of the proposed cultural heritage survey. More will be said and done about that as time goes by. As I said, the divisions will continue. They are certainly not over. The airy-fairy stuff that we hear from members opposite is simply not real.

The pastoral industry's response to the draft paper goes on to say that land-holders are sympathetic to the preservation of real sites of significance. That is part of our cultural heritage, but the process must not be misused for gaining political advantage or for extracting compensation payments. Another issue that is distressing land-holders concerns rumours that large compensation payments and/or sitting fees are being promised to Aboriginal people where the Chevron pipeline route passes through Aboriginal land or where Aboriginal people are involved in negotiations or assessment. If differential compensation is being paid and the Aboriginal people are

receiving payments of a more generous nature than other land-holders, long-term resentment will surely follow.

Pastoral and other land-holders in north Queensland are certainly there for the long haul. They can appreciate that mining and pipeline companies would wish to be seen as good corporate citizens, especially in relation to cultural issues that appeal to our city cousins. However, basic fairness is an important issue. The vast majority of land-holders view the establishment of the Chevron pipeline as being of positive benefit to Australia. They will continue in that support only if everybody is treated equally and the land-holders' own interests are not prejudiced. The pastoral industry has said that it is unable to accept the proposal as set out in the draft paper. The proposals do not provide procedural fairness for all the stakeholders involved. Non-Aboriginal Australians do not have access to similar procedures in the preservation of non-Aboriginal cultural sites. There is no objective test relating to site identification. There is no objective test relating to the magnitude of significance required for intervention. The administration is placed in the hands of special interest groups who are likely to oppress existing land-holders. It is likely that the regime will be used as a de facto right to negotiate. That will be brought through the back door after this native title legislation goes through. Many people believe that all the problems will be over after this legislation is passed. They can forget that; this is just the beginning.

Groups involved in the pastoral industry, including the United Graziers Association and various other pastoral groups that have played a watchdog role on the Premier's task force in relation to native title legislation, were told that, after this legislation was passed, they would continue in that role to monitor the performance of this legislation as well as any other legislation that might impinge on this legislation. Recently they were told that their job was finished, that it was all over red rover. They are dismayed that that is the case. They know as do I and other practical people that it is not over by any stretch of the imagination. It will only get worse. That is the tragedy of it.

Mr FENLON (Greenslopes—ALP) (9.37 p.m.): I rise in support of the Bill, which sets up a State-based regime to manage mining proposals on land where native title may be found to exist. Over the next 12 months, further Bills will be introduced establishing a land and resources tribunal, a native title process for the petroleum industry and a new system for the protection of cultural

heritage. The issue of native title is extremely complex and involves a wide range of stakeholders. We could say that the range of permutations and combinations of the various levels of previous occupancy and forms of ownership and occupancy under western settlement is astronomical. There are many permutations and combinations throughout the country and, indeed, throughout this State. In order to consult effectively with all stakeholders, it has been necessary to divide the issues across a series of Bills to go before the House.

The next Bill, covering the land and resources tribunal, should be introduced next week. That Bill will flesh out the details of the tribunal to which this Bill refers in various places. Indeed that tribunal will perform an extremely important function, that is, to resolve those issues, to resolve sometimes very complex and conflicting issues and to do so in an expeditious way in order to get on with development and job opportunities in this State. The application of native title processes to the petroleum industry involves special consideration because of the differences between that industry and the mining sector more generally. For example, exploration for petroleum is a more significant event than it normally is for mining. Petroleum exploration can involve test drilling, which has as large an impact as a drilling rig itself.

Once an authority to prospect for petroleum has been granted, there is an automatic right to receive a production licence if a resource is discovered. That is in contrast to other mining where a further approval is required if resource extraction is proposed. The petroleum industry has expressed a preference for native title issues to be addressed fully at the exploration stage. Members will note that that contrasts with the mining provisions currently before the House, which place more emphasis on the production stage. Currently, the Petroleum Act is the subject of a comprehensive review. We have agreed with the industry to incorporate into this review consideration of appropriate native title processes. The Petroleum Act review will continue well into next year before amending legislation is presented to the Parliament.

The current provisions of the Cultural Record (Landscapes Queensland and Queensland Estate) Act are indeed anachronistic and in urgent need of overhaul. The definitions of what constitutes cultural heritage are ridiculously low and leave unprotected many significant elements of our heritage. The procedures for obtaining cultural heritage clearances are vague and open

ended, making them ripe for abuse. All parties are strongly supportive of a complete rewrite of the Cultural Record (Landscapes Queensland and Queensland Estate) Act, and already a reference group has been established to undertake that task over the next 12 months. The reference group consists of representatives from the indigenous communities; the mining, petroleum and pastoral industries; and other citizens with heritage expertise. It is hoped that a discussion paper will be released before Christmas with the aim of developing new legislation for introduction to Parliament in the second half of 1999. Cultural heritage exists across all tenures so it has a greater potential to be an issue in development applications than native title. That is why it is vitally important that Queensland develops a sensible system that respects our heritage while providing clearly defined processes for developers to resolve cultural heritage issues.

That is in stark contrast to what we have heard today from the Opposition. We have heard from them one very dismal position, which is basically one of being against negotiation. Why are they against negotiation? Because they do not want equitable settlements. Equitable settlements are what comes out of negotiation. If we do not have negotiation, what is the alternative? To have arbitrated outcomes, bogged down in courts indefinitely. What do we have out of a negotiated settlement? Reasonable outcomes that suit both parties: where both parties can become finely attuned to each other's needs and achieve a specific result that is appropriate to the local circumstances, to a specific set of facts and to a specific environment. I am very proud of the fact that the general thrust of this legislation is towards negotiation because I believe that, given the time frames that are built into this legislation, the parties will move towards establishing goodwill and sound, negotiated outcomes.

The other thing missing in the debate from members across the Chamber is honesty. We have not seen from the members opposite a real declaration of the interests that they represent. We would respect them more if they did that. Some weeks ago in this House when we last debated native title amendments, the members opposite became very sensitive when I suggested that they really represent people such as themselves, their members in their own party and the people in their electorates who have very significant economic interests and favour the landowners, the pastoralists and, to some extent, the mining companies. The interests of the members

opposite really sit very firmly with those pastoralist/leaseholder interests. That is fine. We can understand people having those interests and representing them. However, it is dishonest for the members opposite to come into this place and throw up all forms of smokescreens to avoid recognition of the reality that they are simply here to represent and stand for those economic interests.

I refer to the smokescreens that we saw today from the Leader of the Opposition in terms of his unhealthy obsession with Mr Murradoo Yanner. I would like to do a word count on the speech of the member for Surfers Paradise to find out how many times he mentioned that person's name. We might ask why the Leader of the Opposition is so obsessed with one person out of all of the indigenous people in the State who have been engaged constructively in native title issues. Why would the member for Surfers Paradise be so obsessed with this one person that, every time he gets the opportunity, he mentions him in almost every sentence? Why the unhealthy obsession? Because it is part of the Opposition's general smokescreen to discredit the interests of the indigenous people of this State who are trying to properly and constructively move forward on the native title issue. Indeed, it is a great smokescreen against what they are really about, which is representing very particular, very narrow economic interests. That is what has really happened in this debate. It is time that we had a little bit of honesty. We will respect the members opposite if we see some more of that honesty.

Mr Borbidge: What happened to jobs, jobs, jobs?

Mr FENLON: I am glad that the member for Surfers Paradise mentions jobs, jobs, jobs, because that was the next issue to which I was going to refer. By anticipating my speech in this debate, at least he is showing some vision. During the two and a half years of the National/Liberal Party Government, what did we see? We can scour the Hansard, we can scour the Queensland statutes, but what do we find? Absolutely nothing! Not a skerrick, not a movement, not one iota of doing something constructive about changing the law. Not a thing!

Mr BORBIDGE: I rise to a point of order. The honourable member is obviously aware that the then Leader of the Opposition moved a motion in this House that prevented us from doing so.

Mr FENLON: The Leader of the Opposition had all the scope in the world to

move. He had the numbers in this House, yet he did not even try.

Mr Borbidge: You weren't here; you were on sabbatical.

Mr FENLON: Indeed, I was on sabbatical. When he was in Government, the Leader of the Opposition did not move. Over that time, all he did was knock, knock, knock. The Opposition, when in Government, did not do anything to really try to move forward this issue. Indeed, what possible respect could the Leader of the Opposition have in this House when all he wants to do is take his belligerent line and knock the indigenous people of this State and favour very narrow sectional interests. No wonder he receives some opposition in this House. If he came here with some sensible suggestions, he might be received well. But no, he retained his belligerent approach, he put up the smokescreens and he knocked one individual in the Aboriginal community as being representative of the entire Aboriginal community. That was his approach and he wonders why this House does not have a favourable attitude towards him and, indeed, he wonders why the coalition lost the last election. The people of this State do not want such a confrontationist approach. The people of this State whom I represent want to see these issues worked through in an amicable, agreeable fashion, and that is what this Government is doing.

Mr Seeney: How many claims in your electorate?

Mr FENLON: I do not know. Getting on with this legislation means jobs and it means getting results. Members opposite would certainly not have achieved that in a month of Sundays, because all they wanted to do was confront, confront, confront to protect those interests. They wanted to ensure that the people of Queensland would probably be paying for those interests. They would still be leaving the door open to compensation claims by denying native title. Indeed, throughout this debate members opposite have been asking who pays. Under their confrontationist, winner-takes-all solution, we would have been paying. That solution was not workable and it would not have worked in 100 years. This Bill proposes something that will work, because it is founded on fairness and negotiation. There will be outcomes and, therefore, we will be able to get on with development and job creation. The coalition's solution did not provide any prospect of achieving job creation, and that is the real difference between this

legislation and any dream that the members opposite might have had.

In the broad context of this debate on native title, a much wider range of issues should be considered in terms of the indigenous people of the State. I refer to the issues that have recently gained prominence in the newspapers concerning the general welfare of people in indigenous communities, particularly in light of abuse resulting from alcoholism. I join with the Minister for Aboriginal and Torres Strait Islander Policy in welcoming that debate. It is certainly long overdue and will hopefully expose what has been going on within those communities. Sadly, that debate has not yet developed into a more constructive process that offers solutions. We have to find better solutions to help the people in those communities realise their rights in a broader environment, as well as their land rights in particular.

I welcome the suggestion that centres be established to help the communities develop and enhance their own cultures. In that sense, we should assist those communities to build from the bottom up. Only by building and rebuilding their cultures, their way of life and their values can those people establish their lives and avoid the horrors and the traps that confront them through alcohol abuse. I hope that the journalists who are looking at those issues will turn their attention to such things as the role of wet canteens in the communities. Some rather strange anomalies have developed in our society. For example, an individual who has been evicted from a hotel can sue the publican for damages that might result from being hit by a car on the way home.

Mr Lucas: A little bit is happening about that in the courts recently.

Mr FENLON: Indeed. That seems to be at odds with the prospect that individuals can run a canteen that basically destroys the social and cultural fabric of a community. I hope that someone is thinking about the ownership of those canteens, how they are run, the economic interests that are served by them and how the profits of the canteens are calculated and returned. We really need to examine the way in which the communities are working. We must look very critically at such factors and, more appropriately, we must help those communities to create centres that will enhance and reclaim their cultural heritage. Only in that way can those communities move forward. It is not appropriate to talk about complete prohibition within the communities. We must take a completely different approach

that focuses on the management of consumption in order to empower the people of the communities to move towards a greater sense of autonomy and a greater control over their own lives.

Mr FELDMAN (Caboolture—ONP) (Leader of the One Nation Party) (9.56 p.m.): I am sure that everyone is aware of One Nation's philosophy on native title and the absurd way in which it has been orchestrated by some Aboriginal leaders. They have been aided and abetted by the courts and the myriad lawyers who are prepared to overlook the divisiveness it has invoked for the prospect of massive retainers and financial rewards that it will bring them. In the end, the winners will be those at the top of the economic feeding tree, the economic Tyrannosaurus Rexes—the legal profession.

I listened with interest as the honourable member for Kurwongbah spoke about her school days and reminisced about what she had learned of the policies in Australia at that time. What she forgot to say was that 1972 arrived and the dream of Australian-owned, Australian-operated and Australian-run enterprises died at the hands of economic rationalism and the Leftist feel-good policies that murdered Australian economics. We have only been doing CPR to the economy ever since.

The Bill is intent on snuffing out the last glimmer of that dream. Back then, it was the dream that each and every Australian had an interest in this land, its beauty, its wonder, its wealth and its potential. We now have the absurd situation where we even have to pay for the privilege of perhaps starting the Olympic torch relay at Ayers Rock. Where will this sort of indulgence end?

This Bill gives no consideration to the miners or the thousands of jobs for ordinary Australians that are under threat due to the ability of native title claimants to blackmail mining companies out of existence. They do not even have to be native title holders; they only have to be claimants. Almost anybody can be a claimant. Under this Bill, being a claimant gives a person the right to negotiate, which is tantamount to the right to blackmail any person or company seeking to develop a mining operation.

One Nation will be moving to amend this iniquitous Bill by removing the right to negotiate provisions in Part 14, Native Title Provisions for Mining Claims, and in Part 17, Native Title Provisions for Mining Leases. This must be done to make it workable. We must make it practical in order to kick-start industry

and place Queenslanders in long-term meaningful jobs. We must do whatever is possible to alleviate the burden of native title on industry, while ensuring that we give legal native title holders the same rights as pastoralists and other landowners within, of course, the strict boundaries of the Commonwealth native title legislation.

The Commonwealth Native Title Act, in attempting to protect the rights of native title parties, has gone too far. It has given to Aboriginal Australians rights that are not the same and that are far beyond those of all other Australians—I repeat: all other Australians. I notice in the Commonwealth Native Title Act, which the Premier in essence had to use, mention is made of the right of the Minister to override the tribunal's decision. In part, it states—

"In the interests of Queensland, (a) for the social or economic benefit of Queensland (including of Aboriginal peoples and Torres Strait Islanders) ..."

Why is it necessary to distinguish Aboriginal and Torres Strait Islander people from other Queenslanders? It may seem a trivial point, but it is a classic example of creating division within Australian society. Aboriginal and Torres Strait Islander peoples are Queenslanders and Australians. No distinction need be made in legislation, policies or Government departments. We heard the vitriol from the honourable member for Townsville, as he desperately attempted to perpetuate the racism myth against us. I put it to this House that this racism in legislation is just the sort of divisiveness to which One Nation is so strongly opposed. I see no need to divide Australian against Australian on the basis of race. This is an inference that Aborigines are not Queenslanders and are not Australians.

Mining is a vital industry to Queensland. The Premier acknowledged the importance of the mining industry to Queensland and its impact upon our State's wealth and job creation. One would think the Premier, whose catchcry is jobs, jobs, jobs, would be most eager to assist the mining industry to begin working again, to begin exploring again, to begin developing and to begin providing those elusive jobs, jobs, jobs—jobs that he has no hope of providing unless he is prepared to give some protection from the spurious claims and blackmail to the sector most able to provide them. Why then has he included right to negotiate provisions for high-impact mining activities in the Native Title (Queensland) State Provisions Amendment Bill? Why has he been so generous to native title parties in high-

impact mining areas? Why has he not taken full advantage of the Commonwealth Native Title Act's allowance for the State to exclude these provisions under section 43A?

Native title has had an extremely detrimental effect on our mining industry. The Premier's decision to include the right to negotiate provisions only further hinders this industry—a major employer in Queensland. For too long the Aboriginal people have been given "whiskey and beads" by both sides of politics rather than attention to the real issues. They have been given remuneration rather than reconciliation. I am not suggesting for a minute that native title holders should be left out in the cold. Yes, they should be consulted and have the right to object to proposed mining activity. They should be given the opportunity to discuss with mining applicants where sacred and sensitive sites may be located. However, they should have no more rights than any other land-holder or leaseholder.

Surely the time has come to look after the interests of all Queenslanders and Queenslanders' place within Australia. The Premier's Bill attempts to deal with native title in Queensland according to Commonwealth law. However, it does not go far enough. More needs to be done to get industry working again and to get Queenslanders into jobs, and more needs to be done to give all parties involved in native title a more equal say in what is fundamentally an inequitable legislative mess.

As the honourable member for Cairns pointed out, this legislation does not do one thing or the other. Mr Beattie is caught like a kid straddling a barbed wire fence. He has one foot on either side of the fence and his strides caught on the wire. He must jump one way or the other before the wire recoils and more than his strides are caught and torn. Sensible amendments will be brought in at the Committee stage to help him out of this mess he is in. Just like the kid caught on the fence, he needs a hand to get himself off. One Nation will provide the amendments that will extract him from the wire on the fence. Better unique legislation than a eunuch legislator.

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (10.05 p.m.): We have heard a lot of divisive and almost hysterical debate on this issue, but the facts are that this Bill maintains the right of indigenous people to negotiate about mining developments on land where native title might still exist, including pastoral leases; and on unallocated State land, which represents less than 1% of the State, the full

right to negotiate still applies as laid out in the Commonwealth Act. However, where native title could coexist with other types of tenure, John Howard's legislation allows States to introduce a regime which provides only rights of consultation and objection to mining projects.

This Bill exercises the discretion to upgrade a State-based regime to a right for existing and potential native title claimants to negotiate about the impact of mining developments. The negotiations must focus on the impact of the development on the enjoyment of registered native title rights and interests and may extend to more general matters affecting the local community. But negotiation has been defined in clause 590 of the Bill to ensure that both sides genuinely seek to reach agreement.

Some people have been wrongly suggesting that this Bill provides only for a two-month period for negotiation. The process outlined in this Bill identifies a 10-month period in which negotiations can take place. There are three months for notification of interested parties, three months for consultation and negotiation, and up to four months for determination by an independent tribunal, possibly including mediation. And negotiations can occur at any time throughout this 10-month period.

For low-impact mining and for exploration, the issues are more likely to revolve around concern about immediate impacts of people traversing the land rather than the effect on native title. For example, native title holders may wish explorers not to traverse certain areas of cultural significance or they may wish that exploration activities be done in a certain way to preserve the environment. The transitory nature of exploration and low-impact mining means that it is highly unlikely that cultural or other interests in the land would be subject to sustained interference to warrant extensive negotiations. Accordingly, native title claimants will have the right to be notified about the activity, to be consulted about its impact and to have any objections heard within a six-month period.

I know that some indigenous groups have expressed concern that no right to negotiate over exploration exists. They have argued that cultural heritage or environmental impacts could be ignored. But these issues can quite easily be pursued through the objection process allowed for under this Bill.

There are separate regulatory processes for cultural heritage and for environmental impact with which mining proponents would still

need to comply. This native title regime does not replace existing regulation; it is complementary to it. If it comes to pass that the exploration is successful and a mining project is proposed, miners will be required to initiate more extensive negotiations, as laid out in Division 3 of this Bill. It is at this stage that the project is more likely to involve a sustained impact on the land and on the lifestyle in which native title claimants have an interest.

Clause 608 of the Bill clearly lays out the subject matter which should be canvassed in negotiations about a mining development. The tribunal has been provided with a set of criteria which may and, in some cases, must be taken into account in making a determination about the project. This clause effectively imposes an obligation on the negotiating parties to take these matters into account in their negotiations, otherwise the tribunal can impose these considerations upon the parties.

The criteria which the parties must take into account are the impact of the proposal on the enjoyment of registered native title rights and interests and the impact on the economy and other interests of those in the region. The other things which the parties may choose to negotiate about include the effect of the project on community life, for example, discussions on ways of managing increased heavy vehicle traffic around the lease area, indigenous access to the area and the carrying out of ceremonies on the leased area. Again, some people have argued that these criteria are too prescriptive, that they impose too many obligations on mining proponents. Our view, however, is that it is only fair and proper that these matters be the subject of negotiations. It is better to be definitive about the scope of negotiations than to leave that to the interpretation of the courts.

Contrary to the hypocritical and mischievous comments made by the Leader of the Opposition earlier this afternoon—an Opposition Leader who did nothing to even try to resolve these matters during his term as Premier—this Bill will allow mining proponents to have a clear indication of the extent of their obligations, a clear indication that has been sadly missing in the past. This Bill will maintain the right of indigenous people to negotiate about mining developments, a right they justly deserve. If this Bill can bring an end to the delays and the uncertainties of the past six years, then the Premier and the Government deserve full credit for progressing this issue so far in such a short time, and this Bill deserves the support of everyone in this House.

Mr GRICE (Broadwater—NPA) (10.12 p.m.): This Bill is another missed opportunity, another bureaucratic impediment that the Beattie minority Government, representing 37% of the people of Queensland, is intent on placing in the way of Queensland's economic future. Queensland, by virtue of the legislation of the Federal Parliament, has been given an opportunity to enact State legislation that will prescribe the various steps necessary to ensure that mining exploration and activity can take place on non-exclusive tenure land. This is a so-called section 43A procedure. In addition, the State can enact legislation for unallocated State land which prescribes a State-based right to negotiate procedure.

Honourable members may recall that these points were made abundantly clear in the sixth point of the Prime Minister's 10-point plan. The sixth point provided as follows—

"6. Future Mining Activity

For mining on vacant Crown land, there would be a higher registration test for claimants seeking the right to negotiate, no negotiations on exploration, and only one right to negotiate per project. As currently provided in the NTA, States and Territories would be able to put in place alternative regimes with similar right to negotiate provisions.

For mining on other 'non-exclusive' tenures such as current or former pastoral leasehold land and National Parks, the right to negotiate would continue to apply in a State or Territory unless and until that State or Territory provided a statutory regime acceptable to the Commonwealth which included procedural rights at least equivalent to other parties with an interest in the land (eg the holder of the pastoral lease) and compensation which can take account of the nature of co-existing native title rights (where they are proven to exist)."

As a result, the revised Federal Native Title Act allows Queensland to enact an alternative right to negotiate process for unallocated State land and a separate and less stringent regime for non-exclusive tenures. The problem with this Bill is that this Government is determined that the clear intent of point six of the 10-point plan be subverted by a half-baked right to negotiate process being imposed on non-exclusive tenures.

The reason that point six of the 10-point plan was inserted in the first place was as a result of the severe and entirely detrimental impact that the right to negotiate process was

having on minerals exploration and development in Australia. The impact of the right to negotiate process from a developmental perspective has been absolutely disastrous for the Australian economy. The Premier has gone on and on with totally misleading comments about the actions of the coalition while it was in power, but let me concentrate just for a moment on the impact of native title on activity in Western Australia.

In that State, where the Native Title Act right to negotiate procedures have been applied, the number of mineral leases granted fell dramatically. The number of mineral leases granted each year since the commencement of the Native Title Act has been as follows—and this should be clear and understandable, even for those elected by 37% of the population of Queensland—in 1993-94, 805 mineral leases were granted; in 1994-95, 611; in 1995-96, 368; and in 1996-97, 159.

What the Premier failed to point out in his second-reading speech or publicly is that, since the commencement of the Commonwealth legislation, no native title negotiations have been completed within the statutory time periods—none, not one—numerous multiple overlapping claims, in one case of 18, on the one mining application have severely hindered negotiations; nearly 2,000 mining title applications remained queued in the right to negotiate process, with some held in abeyance for three years; and, in the case of Western Australia, only 158 voluntary agreements have been cleared for grant, resulting in 48 actual projects. This compares with between 600 and 800 mining leases granted each year in that State before the commencement of the Commonwealth Act. That has gone from between 600 and 800 down to 158.

All this is very troubling for any person who has any real interest in Australia's development. Some people criticise and deride those who are keen on development. They are sometimes portrayed as not interested in the environment or somehow hold regressive or less than progressive views, but those very people who are critical of development are often the first to lament about the level of youth unemployment or the terrible conditions that many in our community face. I would suggest that there are a lot of those in this House: on the one hand, they are critical of development and, on the other, they lament the level of youth unemployment and the terrible conditions that many in our community face.

The truth of the matter is that, without a growing economy so that we can all share in the prosperity of our nation, unemployment will continue to increase and the disparity between the rich and poor will continue to grow. In this context, it is important to constantly remember the importance of the mining industry to Queensland and to Australia. The minerals industry is Australia's largest exporter. In the financial year 1996-97, mineral resources represented 45% of our total merchandise exports and about 34% of Australia's total export revenue. In dollar terms, this equated to approximately \$34.6 billion, or 7.7% of Australia's total gross domestic product. Four in every 100 Australians owe their livelihood to the minerals industry. In 1996-97 the mineral production and processing industry engaged directly and indirectly over 300,000 people. Importantly, this employment is provided in a mix of remote and rural areas as well as in areas on the outskirts of certain centres where manufacturing and downstream processing occurs. Also, for the information of honourable members, I point out that the mining industry accounts for about 20% of total private new capital investment in Australian industry and it spends about \$15 billion per annum on goods and services, with about 80% sourced from Australian-based companies.

Whilst I could go on and give other figures, the real point here is that this industry plays an absolutely critical role, and every effort has to be made to ensure that its viability and continued growth is assured. Too many jobs and too many lives are at stake. That brings me precisely to this Bill.

I would challenge almost any member to claim that they totally understand the Bill. This piece of legislation is 150 pages long and is one of the most complex that this House has ever had to consider. Yet, despite its length and complexity, one matter stands out like a beacon. This Government has seen fit to put unnecessary impositions on the mining industry.

The Premier has attempted to make a virtue of the fact that he will impose a modified right to negotiate process on mineral activity taking place on non-exclusive tenures. He claims that the procedures mandated for such tenures in section 43A of the Commonwealth legislation are "minimalist". Any reasonable person reading section 43A would regard the procedures set out as being fulsome and expansive. Perhaps having regard to the downturn in the mining industry and the risk of unemployment facing many people in our remote communities, some would say that the

requirements set out in section 43A are themselves an overkill.

This is not an issue of trying to abrogate or stamp on the legitimate rights and interests of our indigenous citizens—far from it. All honourable members would recognise that the bulk of our indigenous citizens live in the very remote localities that are in need of the wealth and services that are produced by the mining industry. These people are calling out for—even demanding—the right to be able to take part in the wealth generation that the mining industry brings to remote localities. It must be appreciated and recognised that the Native Title Act is but one of a number of statutes designed to protect and enhance Aboriginal culture and environmental heritage issues.

It is not as if there are no other pieces of legislation of both a State and Federal nature, not to mention local authorities' by-laws, that are designed to protect Aboriginal cultural artefacts and advance Aboriginal culture. The fact is that the Native Title Act has been used by certain Aboriginal groups as a tool to extract money and minerals from mining companies. In this context, one has only to remember the farce that was the Century Zinc right to negotiate process to appreciate that. None other than Bill Hayden, who led the negotiating team, said of the Native Title Act in an open letter, a copy of which was sent to the Premier—

"... the opportunities the legislation offers for outside manipulation of processes and for the adoption of measures which come perilously close at times to being extortion."

Gary Johns, a former Federal Labor member for Petrie, said in an article written for the Courier-Mail this year—

"The reality of the right to negotiate is that, in conjunction with an easy test for registration, with the flimsiest of evidence claimants can extract from miners rent in the form of royalties, jobs and training from what would otherwise be for them unproductive land.

This Robin Hood mentality shows the flaw in Labor's thinking. Why should special rights attach to a title held by one race be used essentially against one industry?"

This really is the heart of the problem, because the revised Federal Act has tightened up the right to negotiate process. For that, all people of commonsense and goodwill will be pleased. As part of the 10-point plan, the registration

test has been strengthened and the process has been streamlined. Nevertheless, the basic point Gary Johns made remains: there is still in place a process, a special procedural right, given exclusively to one race, which is used in a predatory sense mostly against one industry; namely, the mining industry. For the benefit of honourable members, I return briefly to Bill Hayden. He also made the following observations—

"The tragedy of failure to rectify these shortcomings will cause major national economic detriment. I doubt that many Australians realise that Australia's comparative advantages as a venue for large scale investment in mineral development projects is apparently facing stiffer competitions around the globe.

For instance London based Conzinc Rio Tinto, owners of CRA which in turn presently owns CZL, is rationalising its world operations, notably it seems in Australia, and is moving investment out of pockets which are less attractive in some countries (like Australia) and putting the funds into more prospectively rewarding development elsewhere.

Now, there are a number of obvious adverse consequences for Australia should this become a trend, as some with a familiarity with mineral development suggest to me it will. In any event, delays associated with approval processes related to getting mineral development projects started up add great costs to projects.

In some cases I expect these can become unacceptable. The costs of responding to the CZL draft agreement alone exceeded \$10 million for CZL, I am advised, and the costs borne by the Queensland Government, while no doubt less, would be also of a very high order."

In a nutshell, that is the problem that the Opposition has with this Bill. Under the amended Federal Native Title Act, the States are given the opportunity to enact alternative provisions to cover most mining activity on non-exclusive tenure land. That right is set out, as I said previously, in section 43A. That section contains a number of requirements that have to be met with the State legislation, yet despite this the Premier and this Government are intent on adding extra cost and procedural burdens to mining companies by refusing to adopt the section 43A approach.

The Premier says that the requirements enumerated in section 43A are minimalist and

this Bill rectifies that by adding some of the revised right to negotiate requirements in section 43 which, as I said, were only intended to apply under State legislation to unallocated State land. One would have thought that the warnings of the Bill Haydens and Gary Johnses of the world—they were both Federal Labor heavyweights—would have alerted this Labor Government to the folly and danger of imposing unnecessary negotiating burdens on our mining industry. It has absolutely ignored them.

It is not as if the Opposition is assuming that the revised section 43A approach will harm the mining industry. That fact is made absolutely clear by the Queensland Mining Council. In a press release of 30 October, the council states that this Bill threatens future investment projects and jobs or, as the Government elected with 37% of the vote says—jobs, jobs, jobs. It says that it will impose a major disincentive to Government. It says that it will set Queensland at a disadvantage to the rest of Australia and the world. Those are powerful words and they carry with them a very powerful reason why this Bill should not be passed in its current form. If this Government is really interested in jobs, especially jobs for young Queenslanders and those in remote and rural areas, it should admit that this Bill is flawed and ensure that the extra burdens imposed under the modified section 43A process are removed.

If this Bill is passed in its current form, it will put our mining industry at a severe disadvantage. It will retard economic development and act as a brake on job creation. The Premier should heed the warning given by the Mining Council and put politics and acting aside for once and act decisively to advance Queensland's interests by amending the legislation. Unless and until the Bill is amended, it cannot be supported, because it is a job-destroying exercise that will harm the mining industry and do nothing whatsoever to help the indigenous community.

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (10.30 p.m.): There has been a lot of discussion over many years about the merits or otherwise of the native title legislation. Members of the former Government—and we have been listening to their speeches tonight—had two and a half years in which to try to resolve an issue; but quite honestly, they failed.

The issue of native title is one that we must address, and it must be addressed in a

way that allows us to arrive at a workable solution. Out of all the noise, the red herrings and political mileage that has been made on this issue, we have here before us a Bill that is realistic in its approach and sensible in how it works. It is fair, and I believe that it will give results. I probably have no need to remind anybody that the legislation on which we decide still has to go through the Senate process. Let me tell members that, if there is any prospect of this Queensland legislation not making it through the Senate, then I would guarantee that the version being pushed by members opposite would not even make it to the front door.

There has been a lot of nonsense spoken about native title. For example, at one stage the Leader of the Opposition was claiming that backyards in places such as Mount Isa and Charters Towers were going to be subject to successful native title claims. That was absolute nonsense, and he knew that at the time. Unfortunately, that is the sort of rubbish and nonsense that has been spread around this State on the issue of native title. That is why we have to demonstrate—and, indeed, are demonstrating here tonight—that fair process can be achieved without resorting to scare tactics and political hoo-ha.

I believe that this Bill is workable. It includes input from all the relevant parties and the stakeholders. I am not saying that everybody is over the moon about this. I believe that the parties probably feel that they have had to give a bit of ground. But what has been achieved is workable and offers the best all-round mechanism to bring about certainty and security for all parties. I have to congratulate the Premier on the massive amount of work and consideration that he has personally put into achieving this position. The Bill that is before members tonight is the result of significant and real consultation between all the relevant parties. This cannot be denied. I believe that it has resulted in a piece of legislation that will establish Queensland as a true leader in its approach.

Members would recall that the Native Title (Queensland) State Provisions Act 1998 commenced on 30 September, the same day as the Commonwealth amendments commenced. Thus the first stage of the Government's amending native title legislation has, as soon as possible, removed uncertainties that have concerned the mining industry. This current Bill, introduced by the Premier on 21 October this year, is the second stage of Queensland's amending native title legislation. This legislation will amend the Mineral Resources Act 1989 for native title

purposes. The Bill provides separate procedures for applications for prospecting, low-impact exploration, high-impact exploration, mining on non-exclusive pastoral leases and mining on unallocated State land. The procedural rights of native title holders increase according to the impact of the activity proposed and the type of land involved. The purpose of these amendments is to integrate native title processes with the existing processes of the Mineral Resources Act 1989, which I mentioned a few moments ago, to streamline procedures as much as possible.

This Bill establishes clear and fair processes for allowing mining companies to explore and utilise mineral resources while recognising and preserving the rights of native title claimants and, indeed, holders. These issues must be accommodated, because the bare procedural rights provided in the amended Commonwealth native title legislation are simply not sufficient. There must be meaningful consultation and transparent procedures for all the parties involved to assess the mining project adequately and, indeed, fairly. I believe that the time frame set out in the Bill allows all the parties to resolve their concerns rather than engage in expensive litigation. This Bill provides initiatives for negotiated outcomes and positive results. We are moving as quickly as possible to bring certainty and practicality back to the issue of mining tenures. I believe that this Bill will allow us to achieve them.

Much has been said tonight and today about the importance of the mining industry in this State. In all humility, I would say that there would not be many more people in this Parliament who understand that better than I do. I represent an area of great mining activity. We have had mining in the north-west for well over 100 years. I believe that, as a result of the initiatives set in place by the Goss Labor Government through the Carpentaria/Mount Isa Mineral Province, mining will continue to expand in that area. That is why I have certainly taken a great deal of interest in this legislation. I understand as well as anybody that there are conflicting points of view, but we had to, as a Government, try to satisfy the needs of all players. I believe that, due to the leadership of the Premier and the team he had around him, to a great extent this has been achieved.

Everybody in this State will not be happy with this legislation. However, I certainly believe that all fair-minded people in the State of Queensland tonight—or tomorrow when this legislation goes through—will acknowledge that it has been a very difficult decision. It has

been wrought with claims and counterclaims. Members tonight have referred to Bill Hayden, Gary Johns and other people. I suppose that both sides of the argument could quote what different people have said. The bottom line is that the Beattie Labor Government has brought into the Queensland Parliament legislation which probably suits neither side, but I believe that in itself indicates that it is fair legislation. As somebody who certainly has the interests of the mining industry at heart, I urge all members of this Parliament to support this legislation.

Mr SPRINGBORG (Warwick—NPA) (10.37 p.m.): The Opposition Leader has highlighted today the extraordinary distortion of this native title debate by the Australian Labor Party as it lets pure emotion drive its agenda. He made that point particularly in relation to the incredible distortions of land law that have emerged in the Labor position. Labor is attempting to transform what are obviously going to be some pretty slight coexisting native title rights into a thing that, statutorially, has absolutely extraordinary authority—discriminatory authority; authority on a scale never enjoyed by the holder of any other tenure in this country's history; authority way in excess of any set of rights that have ever attached in this country, even at the level of freehold, which members opposite—because they are so often the occupiers of quarter-acre freehold blocks—are almost obscenely keen to see totally exempt from native title. As the Opposition Leader has said, what we are seeing from members opposite is a very subjective mishmash of the land law of this State in a manner that is going to make the task of fair and just land management in this State an impossibility.

I want to pick up on that theme of the Opposition Leader and take it in a different direction, because these distortions of the Labor Party have many impacts. I believe that a key issue is that what we are really doing—or what we really ought to be doing—in relation to the recognition of native title is not to try to expand it to suit the emotional needs of members opposite. What we have to be doing, as responsible legislators, is to try to deliver to this country, including to Aborigines, a land management system that is fair to all and which, above all, delivers outcomes to people—to black and to white taxpayers with an interest in land, shared or otherwise. That is what this debate should be about. What we should be doing is recognising the existence of native title as a new ingredient in our land management systems and incorporating it in a way that is fair and just. And we cannot go

about that in the way in which members opposite want to go about it in this Bill, that is, to selectively and subjectively retain only those elements of land law which enable it to expand native title into something that it is not.

That is a hard enough task, even when we work from the basis of an inclusive, rather than an exclusive, approach. It becomes a virtually impossible task when members opposite are determined to reinforce some of the most clearly unworkable and unjust distortions that were in the original Native Title Act. The logical starting point is the right to negotiate in the original Act. In the context of the current debate, it must be remembered that that right was a statutory right. Labor now tries to suggest that the particular form of engaging native title into land management—as established in the original Keating legislation—is somehow holy writ, that it brooks no change.

In fact, the statutory provision of a unique right to negotiate was an early bid by the Labor Party to establish native title as a pre-eminent right to land in line with the Left Wing views of the likes of Senator Bolkus and of John Woodley from the Democrats that Aborigines are the only true land-holders in this country and that pastoralists are the tenants. Of course, that view, which is alive in this Bill, simply undermines the entire system of land management in this country. It makes a rational, workable wedding of native title to land management a virtual impossibility. The right to negotiate as developed in 1993 was an extraordinary and highly discriminatory extension of the rights that attach to interests in land in this country to just one type of land-holder. No other land-holder in this State has ever had the degree of influence over matters affecting their land that has been attributed now to Aborigines by the Australian Labor Party.

It is a little recognised fact now, because of the myths that surround this issue—myths that have been built up so rapidly by the Labor Party—that even the decision to make mining subject to a right to negotiate by making such tenures subject to native title was a political policy decision. Even before getting to the discrimination in relation to the right to negotiate processes themselves, there was a massive discrimination in relation to what was then held to be the authority of a mining lease. In fact, Labor was initially of the view that mining leases extinguished native title. The announcement of the policy reversal was made by Paul Keating's then Attorney-General and current native title adviser to the minority Beattie Labor Government of Queensland,

Michael Lavarch. It was done in just about the most tortured statement imaginable. I have it here, but I will not read it because trying to understand it would just about send every member in this House blind. I seek leave to table that statement.

Leave granted.

Mr SPRINGBORG: The land law of this country was fundamentally torn asunder by the Labor Party even as it sought the grounds to further render it via the establishment of the discriminatory right to negotiate. The fact is that, throughout our recorded history, minerals in this country have been regarded as the property of the Crown. They have been exploited at the pleasure of the Crown. Even freeholders in this State have had limited rights when the Crown has determined that it wants to issue a mining lease for the exploitation of minerals. However, under the Keating right to negotiate, there was a massive expansion of those rights for Aborigines—for just one sector of the community. That is where the issues of natural justice and fairness come in, even in relation to the right to negotiate for mining on vacant crown land, let alone on pastoral land.

In relation to mining on vacant Crown land, which was then categorised as land that had never been previously dealt with, Labor assumed that Aborigines could be the only people who had an interest other than the Crown and that their native title could, therefore, at least possibly extend to the equivalent of freehold. According to Labor, they therefore deserved to be treated as the holders of freehold. Of course, the substance of the right to negotiate belies that. As I have said, it was a set of rights quite vastly in excess of anything that any freeholder in this State has ever had access to in relation to mining or any other impact on their land. That created a massive barrier to the re-establishment of a valid, viable, land management system in this State that sensibly and fairly took into account native title. The distortion was too vast.

What is now proposed is a distortion heaped upon the distortion. When one considers what the High Court actually said in the Wik judgment—rather than what members opposite wish the High Court said in the Wik judgment—one realises that there is simply a further undermining of the credibility of the right to negotiate. In Wik, the High Court said that every pastoral lease in this State is subject to coexisting native title. That is another myth. The High Court said that pastoral leases did not necessarily extinguish all elements of native title. It said that where potentially surviving native title rights coexisted with those

of a pastoralist, the pastoralist's rights prevailed. As has been pointed out elsewhere, that was simply the logical extension of one of the fundamentals of Australian law, that is, that statutory rights are more powerful than common law rights. That made the unique application of a set of rights, such as the right to negotiate, to Aborigines even more outrageous than it was at the time of the original distortion in the Keating Act.

The proposition for the retention of those special rights for Aborigines then had to fly in the face not only of the inequality of the original decision but also of the relative authority of tenures as established in Wik. For members opposite, the proposition had to be that, notwithstanding a decision that said very clearly that the rights of pastoralists were stronger than the rights of the Aborigines who might hold coexisting title, we would give to Aborigines rights in relation to mining on their land that are massively in excess of what the pastoralist enjoys. The pastoralist has been demonstrated to have the stronger title, but will retain only the procedural rights that he or she has always had. The Aborigine, who has rights that the High Court has declared are subject to the rights granted to the pastoralist, will, however, have far greater rights than the pastoralist in relation to mining on land in which they may hold a coexisting interest.

That is a ridiculous foundation for a valid land management system in this State. It is an impossible foundation for decent land law, for decent land administration, and for decent land management in this State. It is a distortion that simply leads to totally unjust, unfair outcomes and which simply compounds right down the line. We cannot develop a valid land management system when one of the foundation elements has been so comprehensively undermined. The only proper foundation is one in which there is procedural fairness—natural justice—for all who have an interest in land equally before the law. The obvious template for that is the one that has existed in this State for a very long time, that is, a solid set of procedural rights that does not disturb the ability of the Crown to manage land in a timely and decent manner in the interests of all Queenslanders with just-terms compensation for the impact on titleholders. Of course, that does not mean that the particularities of native title interest in land—as opposed to the particularities of the pastoral interests in land—somehow will not be properly catered for if they are dealt with in a parallel, equal process. Of course, that is nonsense: they can be and they will be under the coalition's plan.

It is certainly true that the interests of native title are far less clear than are those of pastoralists. The content of native title is obviously in evolution in relation to land law, but it is evolving and every scheme that has been put forward in this country for dealing with it recognises and accepts that the interests are different from those of the pastoralist and has provided mechanisms for ensuring that those differences are recognised. Our system of law provides that, where those rights are to be impinged upon, there is a requirement—as there is for all dealings by Government—of just-terms compensation. The authority for that is the Constitution. Any other option that divides off from one of basic equality before the law is destined to generate massive problems.

I note that members opposite, and certainly their colleagues in the Senate, from time to time are very free in using selected quotes from Sir Gerard Brennan, who wrote the lead judgment in Mabo, when they perceive that it might help their case. The following quote from Sir Gerard, when he was Chief Justice, is from his Wik decision. I will quote it in full to avoid the distortions that members opposite typically make when they selectively quote this former High Court judge and, indeed, former High Court Chief Justice. It is from a passage in which Sir Gerard, with two of his most senior colleagues agreeing, gave the minority view of the court that pastoral leases were grants of exclusive possession which did extinguish all native title. However, I point out to members opposite that, in relation to the path upon which they have embarked, the sting is in the tail where Sir Gerard talks about the impacts of undermining basic tenets of existing land law in this country. At page 28 of his finding he states—and I believe that it not only makes very interesting reading for all members of this Parliament but also certainly very interesting listening—

"If it were right to regard Crown leaseholds not as estates held of the Crown but merely as a bundle of statutory rights conferred on the lessee, it would be equally correct to treat a grant in fee simple not as the grant of a freehold estate held of the Crown but merely as a larger bundle of statutory rights. If the grant of a pastoral lease conferred merely a bundle of statutory rights exercisable by the lessee over land subject to native title in which the Crown (on the hypothesis advanced) had only the radical title, the rights of the lessee would be ... rights in another's property."

Sir Gerard Brennan used the legal term, but it extended to rights in another's property. He stated further—

"... and if leases were of that character, an estate in fee simple would be no different. Then in whom would the underlying residual or common law title subsist? Presumably, in the holders of native title. But such a theory is inconsistent with the fundamental doctrines of the common law. And it would equate native title with an estate in fee simple which, *ex hypothesi*, it is not. To regard interests derived from the Crown as a mere bundle of statutory rights would be to abandon the whole foundation of land law applicable to Crown grants."

By that, quite simply the Chief Justice was saying that if one goes down this particular track, one overturns all the fundamental tenets and understanding of land law in this country as we have known it, and where does it stop ultimately? I think that has been a fundamental concern of the Opposition for a long time.

The High Court brought down a decision which was, as the Chief Justice forewarned, inconsistent with the fundamental doctrines of the common law and which, at least as significantly in the view of the nation's then pre-eminent jurist, abandoned, and I quote again the final phrase, "the whole foundation of land law applicable to Crown grants."

The land law system of this country was undermined by the decision of the slightest majority in the Wik case. That undermining has been complicated massively by the Bill now before this Parliament whereby the distortion of treating native title erroneously, as Sir Gerard says, as a freehold estate, is expanded even way beyond freehold. No freeholder has ever had rights anywhere near approximating those that this Bill provides Aborigines in relation to the right to negotiate on land where there is a shared interest.

That will make land administration in this State an absolute nightmare. As has been pointed out by numerous members who contributed to this debate, it will breed a great deal of resentment across the State. Already, we have seen that emerge. If this Bill is passed by this House, there will be two sets of land laws in the State: a set of land laws based on native title and a set of land laws based on all other titles. We will have an absolutely dysfunctional system; we will have an absolutely unjust system. It simply will not be able to deliver fair and just outcomes to all,

because such outcomes are, effectively, specifically excluded. That is the most obvious of the shortcomings of the course we are on. We do not know how much worse it is going to get.

As other speakers have indicated, this Bill is silent on the right to negotiate and infrastructure. If anything, if the application of a right to negotiate of the style Labor in this place wants to impose on mining on pastoral land is extended by what passes for logic among members opposite to infrastructure, then we will see massive distortions of the land management system in that arena, too. Members opposite might like to bear in mind that that will bring the issue to the fore among many more people than the selective hit that this legislation delivers on pastoralists and miners, because we will be talking about giving these unique rights with their intrinsic ability to delay—and as Bill Hayden has implied, to extort—in relation to projects that provide services such as power, gas and water to communities in this State, including Brisbane. I believe that when a couple of projects do not get through in the nick of time, as the south-west gas pipeline just did, because we have given distortional, special, discriminatory rights to one group of people in this community—rights that are denied to others—then the whole house of cards is going to come down around the ears of the Government and the ears of the State. We have to get back to the basics, because the problem will be no longer isolated in the rural areas of this State, a good distance away from the Government members' back porches; it will be at the very back doors of all Queenslanders.

We now know via Wik most recently and, of course, via Mabo, that there is a new ingredient in land management in this country. In the end, a system of land management that works and works fairly has to emerge from this process—one that gives appropriate procedural rights to people who have an interest in land whatever their colour and background and gives Governments and bureaucrats a system that delivers outcomes to clients and to taxpayers. That is the bottom line, or ought to be the bottom line in this debate—a workable and fair land management system that takes into account what can only be, in the final analysis, relatively slight coexisting or surviving native title rights.

In conclusion, a lot of things continue to concern many people in Queensland about native title. When we had the Mabo judgment, a lot of people thought that it was a minimalist approach. Then we had the Wik judgment,

which broadened further native title rights. A lot of other things continue to concern people about the further expansion of native title both in a common law and in a statutory sense.

Ms NELSON-CARR (Mundingburra—ALP) (10.57 p.m.): The Premier in his second-reading speech on this Bill and an earlier speaker in this debate have referred to the need to learn from the mistakes of the past so that we do not repeat them. This principle is particularly true in regard to the need to learn about the direct and indirect costs of the litigation that has arisen from attempts to come to terms with native title.

The first major event of the native title debate in Australia arose from a court case: the famous Mabo decision of 1992. Since then, we have had other significant legal milestones, including the Wik decision of 1996. These legal actions were critical in establishing the legal fact of native title. Unfortunately, the fact that they arose from legal action has inspired too many of the players in the native title area to believe that legal action is the only way by which to resolve these issues.

I refer to a point made by the Premier in his second-reading speech on this Bill. He stated—

"In relation to questions of native title, the previous Government had a short-sighted determination to fight indigenous interests every inch of the way, no matter what the issue, no matter what the cost to the mining industry or taxpayers of the State in terms of jobs or a bottomless pit of lawyers' fees for litigation."

In other words, there are many kinds of costs for those who choose litigation first, last and foremost.

Native title parties, industry associations and mining companies have spent literally millions of dollars in trying to accommodate or, more accurately, trying to fight native title. Enough is enough. A great deal of that money was taxpayers' money, and I guarantee that the people of my electorate would much rather have that money spent more productively on facilities and services for the community at large than on lawyers' fees and court costs, particularly when nothing appears to have been solved. The system established by the legislation now before the House places its emphasis on negotiated agreements between mining companies and native title bodies. In doing so, the legislation reflects the firm view of everyone in the Government that litigation ought to be the last resort, not the first or only resort.

There are many kinds of agreements. For all its flaws, the current Federal Government's Native Title Act at least recognises the principle of negotiated agreements. These can have many forms, including indigenous land use agreements which are known as ILUAs. ILUAs can help to map out the agreed process for determinations of native title and future activities or acts associated with mining development proposals. ILUAs can be registered with the Federal Court and be binding on all parties.

The Government's approach on this matter can be summed up very precisely: facilitate, do not frustrate. I am very pleased by the Premier's assurance that the Government will provide practical assistance to promote the securing of agreements. The Premier advises me that he has set up a special unit in his department known as Native Title Services. This new unit offers three types of service: a negotiation unit, an historical and anthropological unit, and a communications unit. I am advised that the negotiation unit will actively help parties in discussions about the impact of mining or other developments on native title to resolve their issues amicably and quickly, avoiding the need for costly court action. There are already precedents illustrating how this has worked successfully.

Members of the House will recall references in the press a few weeks ago to the agreement reached by a pastoralist family and the Western Yulanji people in an area north-west of Cairns. This long-running issue was eventually resolved through the goodwill of the people concerned and the active involvement of negotiators from Native Title Services. It is well known that the previous State Government was incapable of resolving this matter, because it refused to talk to the parties involved or to help them come to an amicable settlement. I understand that the Government's negotiators are also involved in many other discussions that will be successfully resolved.

As I said, the Bill before the House is structured around parties finding agreement. There are clear procedural guidelines for how to reach agreement, incentives for trying to reach agreement and disincentives for parties who try to frustrate agreements.

For exploration, the Bill requires the mining company to at least consult with the native title parties over a period of two months to reach agreement about minimising the impact on native title. For mining development, the Bill requires the parties to at least consult and negotiate with the intent to reach

agreement. This is merely underlining how civilised and sensible people ought to behave. I do not understand the Opposition's rejection of this idea. At the end of the day, the Government is also realistic enough to understand that not all matters will be capable of being resolved by agreement among the parties. There will need to be a strong jurisdictional body that is able to make decisions or determinations in the interests of the parties and in the broader interests of the State. The Premier assures me that legislation to establish such a body is well advanced.

I am pleased that the Bill recognises the importance of negotiation in reaching agreements. For reasons entirely beyond me, the Opposition seems to be against the very idea of negotiation. It will try to amend the Bill to strike out the emphasis on negotiation. Opposition members should think again. All their approach would achieve would be more unnecessary cost, more division and more delay. The approach of the Opposition reminds me of the old saying: those who do not know the past are condemned to repeat it.

Mr BLACK (Whitsunday—ONP) (11.02 p.m.): Native title is an issue of paramount importance to Australia today. This issue has resulted in heartache, uncertainty and fear and, in its most basic form, it makes no sense. Once again it illustrates the stupidity or cunningness of some of the supposed leaders of the country. How many times have we seen gutless politicians swaying in whatever direction gives them the most votes, causing widespread fear, upset or suffering within our community? For too long in this country we have let the crying of the dogooders and the civil libertarians direct our path. For too long, through international agreements and treaties, the leaders of other nations have had a say in the rights and freedoms in our own country. We have let the guilt-ridden minority attempt to make themselves feel better by trying to push the rest of us into feeling guilty and apologetic.

Especially of late, in our society cries of racial equality have rung repetitively and loudly. Everyone from the Lord Mayor to the Prime Minister is speaking of tolerance and an end to division, and for years every media outlet in the country has preached anti-racism. Many members of this House have done the same, yet today we find ourselves debating the Queensland provisions for native title in the mining industry. We are debating provisions, which are allowable by Commonwealth legislation, that are aimed specifically at one race only. That legislation has ground industry to a halt, cost jobs, created immense

uncertainty and fear and further divided our community into indigenous and non-indigenous groups. Yet this wonderful piece of legislation was the result of the efforts of Mr Keating and the Labor Party, and was completed by Mr Howard and the Liberal/National coalition. Those are the same people who, on the one hand, are so quick to point the finger and call names while, on the other hand, they create division at every turn.

One of the One Nation founding philosophies is equality for all. We have always pursued the removal of racial divisions within Australian society and the end of all race-based policies of Government. We have been the only party to have the guts to speak out against the absurdity of native title.

I am quite sure that anyone with enough intelligence would clearly understand the devastation to Australia that native title has only begun to cause. However, the Commonwealth Government's increasing control over State matters and powers means that there is little that we can do. We cannot change many of the ambiguities of the Commonwealth Native Title Act. The requirements to become a native title claimant seem quite shallow. One only has to have an association with the land to be a claimant. Industry must consult or negotiate with native title claimants—not only determined native title holders but also claimants. Once again we see one particular race being treated differently from another.

The Native Title (Queensland) State Provisions Amendment Bill, which the Premier introduced into the House in the last sitting of Parliament, attempts to reduce the impact of native title on industry to some degree, but it still leaves provisions of hindrance to industry. Of course, if we had the power to do so, we would extend the removal of the right to negotiate provisions from all industry activity, reduce the rights of native title claimants as defined in the Commonwealth Native Title Act to nothing and reduce the rights of native title holders to the same as that of other landowners or lessees.

Unfortunately, through a lack of good Government, we are left with a native title mess that extends beyond the boundaries of the ridiculous. Although we are not able to repeal the native title legislation through the workings of this Parliament, at every turn we will attempt to even it up. We will look at all native title issues with the interests of Queensland and Australia at heart and we will attempt to make changes wherever necessary to pursue equality and a fair go for all.

Mr KNUTH (Burdekin—ONP) (11.07 p.m.): I will address some quotes from the ALP from 1973 to 1975. An article from the West Australian of 23 October 1973 states—

"Federal Government social service benefits were dislocating Aboriginal family and tribal life in some areas, the Minister for Social Security, Mr Hayden, said today.

The payments had caused a severe cultural jolt to Aborigines. He said, 'It has reached the point where I am greatly concerned.'

Mr Hayden was replying to Mr Bennett (Lab., W.A.) who said in the House of Representatives that press reports had alleged that Aborigines in W.A. were spending their money on taxis, liquor and in other ways rather than on family welfare.

Earlier this year, the Federal Government decided to pay all normal social security benefits to Aborigines. These include child endowment, widows' pensions and unemployment benefits.

Mr Hayden said it was clear that there would be problems if the Aborigines were directed to spend their social security benefits in the same way as other people."

Mr REEVES: I rise to a point of order. I am questioning the relevance of this to the Bill before the House.

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

Mr KNUTH: The man must have been a prophet. However, problems were developing in Aboriginal communities, especially in those in remote areas of Western Australia. He said—

"I am sure this is not the only part of Australia in which Aborigines are living under similar conditions."

Mr Hayden said that he had been sceptical about such reports earlier this year, but he now conceded that a problem existed. It was worrying many people, including anthropologists and sociologists. He said—

"The tendency of the people receiving the money is to move away from family and tribal links for a number of reasons. I will not enumerate the reasons or the symptoms of what happens, because there is a tendency for these to be exaggerated and dramatised for public effect."

An article in the West Australian newspaper from 27 February 1974 stated—

"Canberra: the Federal Government had bungled Aboriginal policy, the Minister for Aboriginal Affairs, Senator Cavanagh, said yesterday. Senator Cavanagh said the policy had altered the 'whole character of the Australian individual' and created areas of hatred.

...

'Labor's implementation of its policy in Aboriginal Affairs has been one of disaster,' he told the National Press Club."

Finally, I agree with a Labor Minister—most Labor policies are a disaster. The article continued—

" 'We still don't know what is best for Aborigines.'"

Later, the Prime Minister, Mr Whitlam, disagreed with Senator Cavanagh's claim.

The article continued—

"Senator Cavanagh said the disaster had culminated in yesterday's suspension of the Aboriginal public servant Charles Perkins on a charge of improper conduct."

That is not hard for a racist activist such as Charlie Perkins. The article went on—

"He said that when Labor came to power in December, 1972, it had an 'enthusiastic Minister'—Mr Bryant—and an enthusiastic department.

They had tried to implement Labor's policy of helping Aborigines within the first month of Government.

'This has resulted in many actions that would not have been taken had we sat down and reasoned it out more thoroughly,' he said."

That is a lesson to be learned by the Beattie Government. The article continues—

"It resulted in the allocation of money more quickly than we could afford to go through the normal channels of the public service and those channels required by the regulations for the expenditure. It was all done in a spirit of enthusiasm, a spirit of intention, to try to assist those who were thought to have been so long oppressed by the white community."

It sounds so familiar. The article continues—

"Senator Cavanagh said that the Government had doubled expenditure on Aboriginal Affairs to \$117 million."

Native title will cost billions in the long term. The article goes on—

"It is only now that we are finding that cash is not the solution to the preservation of the life of Aborigines and the uplifting of the Aboriginal people," he said."

Labor does not learn from its mistakes. The article continues—

"He said the policy had a big effect on public servants in the Aboriginal Affairs Department—'possibly affecting them physically and mentally.'

...

Labor's implementation of its policy had developed a section in the community who could see a career in championing the cause of the oppressed.

'To raise themselves up in prestige they must have an oppressed section and must have oppressors,' he said.

'If the oppressors cannot be easily found and identified, they are manufactured.'

Here we have a Labor Senator admitting that they have manufactured racial oppression. The article continues—

"Senator Cavanagh said that the Government was determined to develop consciousness and understanding of Aboriginal culture.

'It is my determination and it is the determination of most of the department,' he said.

'We must be ruthless and ride roughshod over those who would seek to stop us from this ambition that we hope to achieve in Aboriginal Affairs.'

Senator Cavanagh said the Government must get Aborigines involved in their own management and in their own finances."

Another disaster! The article goes on—

"He said that the Government did not want to divide Aborigines into urban and non-urban Aborigines.

'But I think that the solution must be different in different areas,' he said.

'I don't think the problems are the same when they are city and when they are tribal Aborigines.'

Senator Cavanagh said that many tribes were mixed in urban black society. They were not recognised as a single tribe.

Careerist Aborigines among urban black were causing difficulties in the

National Aboriginal Consultative Committee."

An article in the West Australian of 24 July 1975 stated—

"There is unlikely to be an attempt to remove or restrict Aboriginal drinking rights in W.A.

The Minister for Police, Mr O'Connor, and the Minister for Community Welfare, Mr Baxter, who had both opposed the granting of rights, said yesterday that it would be difficult or impossible to remove the rights now. But Mr O'Connor believes that their removal would be desirable.

Aborigines in the south-west were given drinking rights by the Brand Liberal Government in 1964. They were extended by the same Government to Aborigines in the north-west in 1966. In 1971, the Tonkin Labor Government extended the rights to Aborigines in the eastern goldfields and Kimberleys.

Mr O'Connor, who recently toured the north-west, said yesterday that 90 per cent of the trouble the police had to deal with in the north was directly linked to Aboriginal drinking. He said yesterday: 'It was all very well to grant the rights, but it has damaged Aboriginal communities.'

I have said the same, and been called a redneck racist who would like to deprive Aborigines of their liberties. The article continues—

"I spoke to Aboriginal elders and they agreed with me. The damage has been done.'

He hoped that the recently appointed police aides in the north would help to overcome the problem."

To this day it has not. The article continues—

"Mr Baxter said the stage had been reached where Aboriginal drinking rights could not be taken away.

The former Minister for Community Welfare, Mr W. F. Willesee, said yesterday he had thousands of regrets since he extended drinking rights to all Aborigines in W.A. from July 1, 1971.

But he would do the same thing today if faced with the decision. It was inevitable after the 1967 referendum granted equality for Aborigines."

Here we are more than 25 years later and we still have all the problems of alcoholism in the Aboriginal community. The Minister for Aboriginal Affairs commented on this in the

House today. A week ago, Murrandoo Yanner admitted that his people are committing offences against their women and families that are so brutal that it is indescribable.

Mr DEPUTY SPEAKER (Mr Mickel): Order! I ask the member for Burdekin to address the native title legislation before the House.

Mr KNUTH: I am getting to that. Murrandoo Yanner agreed that alcohol was the problem. He stated that these offenders, once put to work on a property free of alcohol, undergo such a change that we would not believe it is the same person. It is incredible that when I commented on the same system it was twisted around by journalists and I was called a racist.

We are now about to make a decision in relation to native title. Will we be able to look back in 25 years and be proud of ourselves and say to each other that we all made the right decision? Have we made the indigenous people of Australia happy? Are they now as contented as they were before the white man came to this country? I can assure you, Mr Deputy Speaker, that they will not be because, as has happened in the past, indigenous people have already started tribal fighting over land claims. They are fighting, just as our early explorers found them fighting 100 years earlier. Anyone who has read Cape York—The Wild Frontier will know that the pioneer Frank Jardine had an entire Aboriginal tribe camped at the northern port town of Somerset. This tribe camped next to the town because a stronger tribe laid claim to their hunting grounds and threatened them with extinction. Eventually, when Somerset ceased to exist, the Aboriginals were massacred to the last man, woman and child by the stronger Aboriginal tribe. This is all historically documented.

If this native title legislation is passed, I will stand in this House 12 months from now and I will prove to the House that native title has not worked and never will. Do we want to make the same mistakes that the Federal Labor Party admitted it made over 25 years ago because something that may seem to be the right thing to do can cause a catastrophe to the very people it was intended to help?

Dr PRENZLER (Lockyer—ONP) (11.18 p.m.): As I have mentioned once before in this House, One Nation's policy from day one has been to provide certainty in relation to land rights for hardworking Queenslanders. The main drive behind this policy has been to ensure equity for all Queenslanders and not to undertake

expensive token gestures in a vain attempt to appeal to the heart-on-the-sleeve consciences—consciences that in many cases have been manipulated by the distortions of truth in hysterical journalistic reporting.

In his second-reading speech the Premier mentions jobs. He talks about telling the truth to the electorate, and yet he fails to tell the public about the real consequences to the State of native title. He fails to tell the public about the enormous amount of power that native title legislation gives indigenous people. He fails to tell the people of Queensland just how much power his Bill unnecessarily gives native title parties. Yes, native title holders should be given the right to consult and be consulted as to mining applicants' activity on any land which they own or on which native title coexists.

What should not happen is that native title holders be given any more rights than other Australians. It is criminal that native title interests have been given so much already, and yet they are still not happy. It is even more criminal that the Labor Party continues to hand out even more rights, as the Premier has done in this case.

In his second-reading speech, the Premier spent some time discussing the need for certainty with regard to native title. He believes that this Bill "provides certainty" and that it "provides a balanced, practical and workable approach". I ask: a balanced, practical and workable approach to whom? Saying that this Bill is balanced is about as realistic as saying that a level playing field exists. That it is practical and workable is just as big a fallacy. In relation to certainty, the only thing that is certain from such a Bill is that the native title interests will be served well.

Native title is an orchestrated land grab by people who have only their own interests to serve, and the Premier seems keen to play this game. Even Western Australia and the Northern Territory had enough sense to see the damage that the right to negotiate provisions caused and have legislated accordingly. In his second-reading speech, the Premier spends considerable time enlightening us with five realities which we must all recognise and accommodate. I would suggest that the last person who should be informing us of what is and is not reality should be the Premier, a member of the same party who created this mess in the first place and who continually weakens to the grabs for more and more.

Is native title realistically workable in any form within the Australian society and

economy? No, it is not! Yet the Premier seems to think that his Queensland provisions will be workable—Queensland provisions which further inhibit productive use of our resources and further inhibit the mining industry, and those things add to the unique qualities of this legislation and create further divisions within our own society. They are provisions which will cost Queenslanders more jobs. One Nation will never support legislation which gives native title interests even greater power, especially power which other Australians do not have. One Nation is interested in what is best for Queensland. One Nation is interested in equality, in job creation, in fairness, in providing certainty and about living in reality.

Members of the Labor Party want to talk about reality, so let us talk about reality. Let us have a look at the map of Queensland that the Department of Natural Resources has made available and that shows native title claim activity in the State of Queensland as at 30 September 1998. Looking at this map, one sees that more than half of Queensland has been claimed. For example, there is the claim by the Wakka Wakka people over land, water and air, including all national parks, conservation reserves, unallocated State lands and timber reserves in the Burnett district. This claim was made last month.

This is a prime example of the greed of the Aboriginal industry. The list of native title rights and interests is long and, frankly, quite absurd. Did traditional tribal custom include mining, farming or hunting for commercial purposes? Yet in this claim alone such activities are listed as native title interests and rights possessed by traditional Aboriginal laws. That is reality. Reality is the proposed family fishing day at the Hinze Dam at the Gold Coast that was cancelled recently due to an existing native title claim over the area and the inability of anyone to grant a permit for fishing without negotiating with the native title claimants. I could go on and on with such examples of the effects of native title on Queenslanders and on Queensland. The problems resulting from native title have just begun.

By forcing the mining industry to negotiate with native title claimants, this Bill will only exacerbate its problems. The Labor Party seems intent on widening the divisions within our society. The true nature of the Labor Party is seen clearly by this Bill. It is a divisive one and one of a weak nature—a nature of deceit and disrespect and a nature seemingly intent on destroying industry in this State. I believe that reality has never been a part of the native title debate. It is time to introduce some reality.

We cannot do so in the Commonwealth legislation, but we can for Queensland. If the Labor Party has not got the sense or the guts to do so, then One Nation will.

Dr CLARK (Barron River—ALP) (11.24 p.m.): Native title legislation has, without doubt, been the most difficult that Parliaments throughout Australia have had to grapple with. It has proved impossible to get agreement from all of the stakeholders—Aborigines, miners and pastoralists—because the positions taken by each group have just been so far apart. Queensland is no exception. Despite the fact that agreements have been possible in some circumstances—and here I am thinking of the regional heads of agreement in Cape York—it has unfortunately not proved possible with respect to either Federal or this proposed State native title legislation.

Despite failing to reach agreement between stakeholders, doing nothing was not an option. Decisions were needed and the decisions that have been made have tried to strike this balance between the competing interests, as various speakers have referred to tonight, and this is what the Bill before the House seeks to achieve. It is true that none of the stakeholders have got all that they wanted, but I believe there is a recognition that each party has, in fact, got some elements of their preferred position.

A view has been expressed tonight that somehow the situation has gone all the way for Aboriginal people and that the mining industry and pastoralists have been the ones who have been totally ignored and disadvantaged by the proposed legislation. I think it is worth while putting on record some of the comments, for example, by Terry O'Shane, the ATSIC commissioner and chairman of the Queensland Indigenous Working Group and a person whom I respect and admire and whom I regard as a friend. A statement was put out by the working group and was reported in Land Rights Queensland. I would like to refer to those comments. The article says—

"The statement said while there was no question that if the legislation was passed, Native Title rights would be lessened, the right to have a meaningful say in development and the impact on homes, children and communities was not totally removed.

'We will have a place at the negotiation table alongside government, the mining companies and developers, albeit a somewhat reduced and circumscribed place,' Mr O'Shane said.

'We welcome this important feature of this Bill and acknowledge the Government for including it.'

The statement said while the Bill reduced Native Title rights, it gave Queensland a modest but workable framework for dealing with mining project development and that would give more certainty and underpin the economic development of the State.

'This Bill will reduce the prospect of litigation and provide a mechanism for the resolution of disputes which hold up projects,' the statement said."

This statement is from a group of people who feel that their particular rights have been reduced in a major way, and yet they are prepared to recognise that there are still opportunities for them to be involved in the negotiation process and they are putting forward a constructive interpretation of events as opposed to some of the statements from the pastoralists and the mining industry.

In fact, the working group's final assessment of the proposed legislation will depend very much on the shape of the Queensland tribunal. I think it is worth mentioning that because this is going to be critical in the implementation of the legislation. The working group has made it clear that it believes the tribunal will need to be independent and will need to be headed up by a Supreme Court judge and operate with District Court judges beneath that Supreme Court judge. I support this concept wholeheartedly and I look forward to seeing the further developments in relation to the form that this tribunal will take.

While the working group was not entirely happy with our Government's assessment of the situation, I would just like to share with members an assessment of Rob Borbidge's comments that were repeated here tonight in regard to legalised extortion as being a description of the legislation.

Mr Borbidge: They were the lady's comments, not mine.

Dr CLARK: The member opposite was very much endorsing them tonight, with respect. These are the comments from Terry O'Shane in an interview. He said—

"Rob Borbidge is just right out to the loony Right, they talk about the loony Left, well he's the loony Right. He's out on his own, out with the fairies. It's typical of his performance, that response. He's a man of no substance, and the comments reveal the lack of depth to the man, who

should never have made it to be Premier of this State, because he never ever had the ability. The fact that he did is a simple reflection of voting circumstances. I don't pay him any regard whatsoever, it's politics and cheap political point scoring."

Those are his words, not mine. I think they do underscore the point that there has been a lot of scaremongering and a lot of outrageous statements that have been made that really do not help in this debate.

I will not go over the details of the Bill, because I think many speakers have done that tonight. I do not want to bore the House with that. I will touch on why I feel the stakeholders—Aboriginal people, mining companies and pastoralists—are having such problems coming to an agreement and why we as parties in this House have such difficulty with this issue. To my mind, it goes essentially to how we view the occupation of this land by indigenous people, which goes back conservatively 40,000 years. I think the difference here is that people such as me and many others on this side of the House believe that having that kind of occupation for that length of time actually does then bring with it some rights—that there actually is a difference between a continuous occupation for 40,000 years and a recent arrival, such as we have experienced on this continent.

I am not saying that in order to take away from the people who have made their living on the land—I am talking now about since white settlement—and who have generations of contact with and a real commitment to the land, but I am saying that I believe there is a very significant difference. I am happy to recognise that there are some rights that attach to that—rights that have been recognised by the courts.

Mr Seeney: Because it does not cost you anything.

Dr CLARK: It is not a question of costing me anything. It is a question of recognising a reality, and I am comfortable with recognising that reality. There is also a question of history. The member for Tablelands said that he had studied history. I think it is important to recognise the points that he made tonight about there being nobody here to have treaties with.

Mr Nelson: I said there was no Government.

Dr CLARK: I think the point the member made is that it was not possible to have treaties. It certainly was possible, and it could have happened. The point that really needs to

be made here is that if One Nation members are seriously and truly concerned about equality—and I believe some are—and if they really want to refute the accusations of racism in this House, then they should be concerned about equal outcomes, not equal treatment. They should be concerned about getting equal outcomes when it comes to life expectancy, child mortality, unemployment, health status and housing conditions. The debate we should be having in this House is about outcomes. If they sincerely want to achieve these outcomes for a fair, equitable society, then unequal treatment, and by that affirmative action, may be necessary. I ask them to reflect on that way of conceptualising Australian society.

I will reinforce that point and then move on. I will use a health analogy so that those opposite can see the point I am making. If there is one person who is anorexic and one person who is obese, we want both of those people to have a healthy weight, but we do not treat them the same. We cannot advance this debate while we keep talking about equal treatment. From my contribution to this debate I would like to once again challenge One Nation members to be constructive as we all grapple with the disadvantage that we recognise exists in Australian society.

We have taken action in Aboriginal communities in relation to essential infrastructure such as water, sewerage and waste disposal systems. Just recently we allocated \$6m for Aboriginal communities and \$15m in the Torres Strait. I think we are taking practical initiatives in those areas. I look forward to the support of One Nation members for constructive solutions to deal with these issues. I would have thought the most constructive approach would be to recognise that negotiation with indigenous people must be the cornerstone of those practical solutions.

Debate, on motion of Mr Wellington, adjourned.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (11.35 p.m.): I move—

"That the House do now adjourn."

Queensland Police Service

Mr NELSON (Tablelands—ONP) (11.35 p.m.): Along with some longstanding members of the police community, tonight I watched in horror and dismay as the Police Minister blatantly went out after a few coppers

who had had a joke. It is a longstanding tradition in the Australian culture, which I stand here and proudly defend, that whenever the going gets tough and whenever things get hard, Australians have a bit of a joke. Australians were known for their humour on the Western Front in World War I. They were known for their humour in New Guinea.

Mr MICKEL: Mr Speaker, I rise to a point of order. The people of Logan would find it absolutely offensive that this suburb is being dumped on by—

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

Mr NELSON: Australians have long been known for their sense of humour. On the fields in Flanders they were known for making sometimes quite macabre statements in their attempts at humour, as most people do when they are under pressure. A lot of people on the other side of the House have probably never been under pressure. I would ask the Police Minister to haul himself out one night and do a 4 till midnight shift on the streets of Woodridge. My father worked in the Woodridge station for quite some time. I heard some absolute horror stories.

I once watched a good movie called *A Few Good Men*. A speech given right at the end really hits the nail on the head. It was said, "If you don't like the democracy I am providing, pick up a gun and go and stand post and do a bit of time on the wall." The thin blue line that stands between us and anarchy needs our total, honest and unabated support. I thought we had had enough of ripping our Police Service apart. Every single member of this House should be grateful to those men who go out there and risk their lives.

Senator O'Chee whinged and bitched about how he should get his \$1.4m. My father, who has given 18 years of good service to this State, put his life on the line time and time again and received commendations and awards, will be lucky to get \$300,000. Not once has he stood up and groaned, made a complaint or showed any sort of self-interest. He served his State as a police officer, manning those walls that stand between us and utter anarchy.

Of all people, the Police Minister should have stepped in, taken a leading role and said, "This is obviously not a good situation, but these people are doing a hard job in difficult circumstances." A lot of members in this House would have no idea of that whatsoever—except for my good friend from Caboolture and my good friend from Ipswich

West, who have done a bit of service in their time.

I watched my father slave for 18 years defending people, watching houses at night and putting his life on the line time and time again. This so-called Police Minister should have got up and said——

Mr Sullivan interjected.

Mr NELSON: The member should not talk about my father. I will talk about my father; he has no right to. He is not even close. He does not even have the right to class himself in the same league as my father. The police officers of this State, the bravest men and women we have in this State at the moment, are being ripped apart for a little bit of work humour. In this House we are always joking and having a go at each other. Australians are known for their humour.

Mr Reeves interjected.

Mr NELSON: The member for Mansfield would have no idea. He has probably never done a hard day's work in his life. The simple fact is——

Mr REEVES: I rise to a point of order. I find that——

Mr NELSON: If the member finds that offensive, I withdraw. He cannot handle the truth.

Mr REEVES: I rise to a point of order. I find offensive the remark that I cannot handle the truth, and I ask that it be withdrawn.

Mr NELSON: I withdraw. The simple fact is that the Police Minister should have some guts and stand up for the coppers who are out there on the streets looking after him. I know that they would stand up for him time and time again. The simple fact is that we have no leadership in this State. I will stand up and defend the police officers of this State if no-one else will. They were indulging in a little bit of humour, like all Australians do in hard times, and if they get crucified for that——

Mr Mickel interjected.

Mr NELSON: The member for Logan is making offensive statements about my Army service. I have served this country as a soldier. The Premier of this State, during a speech in Atherton, told me that this sort of stuff would not happen. Do I go back to the people of Atherton and say that it does happen?

Time expired.

North Queensland Clinical School

Ms BOYLE (Cairns—ALP) (11.40 p.m.): I rise tonight to talk about some representations

that I have received in Cairns from several doctors about an issue which, as it happens, is one that historically I know well. It is about the continuation of the North Queensland Clinical School, which is a shared graduate medical school—shared between Townsville and Cairns—auspiced by the University of Queensland and supported by the Townsville General Hospital, the Cairns Hospital and, to an extent, the James Cook University.

The clinical school commenced some four years ago, and it has brought to the far north certain benefits which are presently at risk. The benefits that it has brought are considerable in terms of medical students—graduate students with degrees in other areas who have, however, a particular interest in rural and remote health, in public health, in women's health and in indigenous health. It has brought to the region highly qualified medical practitioners and professors. It has lifted the possibilities within the region as well as the opportunities for high-level education experiences. As time passes, that will be of considerable economic benefit to Cairns.

I know the story well, as I was chair of the Regional Health Authority when we put the deal together with Townsville and the University of Queensland. It was for Cairns—as it frequently is with new facilities—a battle to make it happen. It was innovative in sharing campuses between the two cities. It was innovative in the way in which students would be encouraged from Brisbane to study further in the north. It was innovative in that the School of Obstetrics and Gynaecology was renamed Women's Health to take account of broader issues, particularly to do with indigenous women in Cape York and the Torres Strait Islands.

It was decided that, in Cairns, we should host three of those professorial units: women's health, children's health and public health. Over the past several years, we have progressed more slowly than we would have liked but progressed nonetheless. From that we have seen a greater willingness not only of residents and medical students to come to the region but also of registrars. That is, of course, a continuing problem for regional cities, let alone remote areas across northern Australia. In that way it is working. We have seen an increase in studies for a masters degree in public health. We have seen recognition across the Pacific, and even into Asia, of the Tropical Public Health Unit and the innovations undertaken with our associate professors in the area of public health.

To that extent I want to recognise those who have worked so hard, though so quietly, to get us to this point. They are the Associate Professors in Public Health, Ernest Hunter and Mary Black, the Associate Professor of Women's Health, Michael Humphry, and Dr Ross Messer, a paediatrician who has filled the still formally vacant post of Director of Paediatrics. It is, however, a time when it may well be an idea of importance for Townsville to consider—and for the James Cook University. Discussions are being held about establishing an undergraduate medical school in Townsville auspiced by the James Cook University.

The representations that have been made to me—and I share their concern—are that there are not the numbers of students to sustain two medical schools in north Queensland and that it will become accidentally a choice between one or the other. It is possible, therefore, if I do not alert this House and all members concerned with health in north Queensland that the clinical school for which we have fought so hard could be downgraded or even closed and that the successes that we have had in establishing more and better medical services to remote and rural Queensland, to indigenous people and in the area of public health could be lost to us. A graduate medical school such as we have already is the way of the future. To turn back the clock towards an undergraduate medical school would be a mistake—a drain on Queensland Health's precious funds, I dare say, as well as a definite mistake for Cairns.

Time expired.

Age Discrimination; Estimates Committees; Liquor Licences

Mr BEANLAND (Indooroopilly—LP) (11.46 p.m.): I rise to address some of the offensive and outrageous claims made in this House on Tuesday, 20 October, by the member for Springwood. As the shadow Minister for Families, Youth and Community Care, I find it absolutely disgraceful that a member would rise in this House and denigrate older Queenslanders. Unfortunately, that is exactly what has been done by the member for Springwood. In a shameful display of arrogance, the member for Springwood tried to argue that the Labor Party would make a better Government because its members are comparatively younger than those on this side of the House.

Mr MUSGROVE: I rise to a point of order. I find offensive the claim that I have denigrated older people. That was not at all

the context of my remarks. I ask that it be withdrawn.

Mr BEANLAND: It is true that the remarks that the member made are offensive. They are most offensive to older Queenslanders.

Mr SPEAKER: Order! Does the member ask that they be withdrawn?

Mr MUSGROVE: Yes, I want them withdrawn.

Mr BEANLAND: I withdraw. However, I will just say that those remarks are offensive to older Queenslanders.

The member's startling revelation was that members of the Government benches are, on average, five years younger than members of the coalition parties. What an outrageous assertion. I am sure that some of Mr Musgrove's more senior colleagues would, like most people, take umbrage at his claim that older members should be put out to pasture and that members of the coalition should ensure that there are enough nursing home places for them in the not-too-distant future. The member's comments in relation to CPR and some health problems experienced by the elderly are even more offensive. The member for Springwood should be ashamed and disgraced by his performance on Tuesday, 20 October.

The Anti-Discrimination Commissioner recently reported an increase in the number of cases involving age discrimination in this State. What about the \$4m over four years that has been allocated by the Department of Families, Youth and Community Care as part of a whole-of-Government initiative to respond to priority issues for older Queenslanders—an amount similar to that allocated by the former coalition Government in its May Budget of this year? The Minister might remind the member for Springwood that 1999 will be the International Year of Older Persons. More importantly, however, the Minister might like to provide the member with a copy of a press release that she issued on the Monday—just one day before Mr Musgrove's disgraceful performance—in which she stated that, by 2031, one in four Queenslanders will be over the age of 60, and that every week up to 1,000 Queenslanders become Seniors Card holders.

It is now up to the Minister for Families, Youth and Community Care and the Premier to ensure that there is never a repeat performance of this nature from members of the Labor Party. I call on the Minister and the Premier to publicly repudiate this outrageous slur on older Queenslanders. Older

Queenslanders deserve to be recognised and valued for their knowledge and contribution to our community. I can assure the member for Springwood that I will be doing everything I can to let his electorate know of his comments in this House in relation to this matter.

I wish to comment briefly on one aspect of the comments of the member for Barambah on 22 October in relation to her attendance at the Estimates hearings—from the Opposition perspective. One Nation was offered two positions on the Estimates committees and took up only one. The shadow Ministers obviously had to shadow their respective Ministers in the Estimates committees for their portfolios, which left some three positions vacant. At the end of the day, the member for Gladstone took up one of those positions. The member for Maryborough, a One Nation member, decided that he would like to be a member of an Estimates committee, and he took up another position. There was one other vacancy, and that had to be filled by a coalition backbench member because it remained unfilled at the end of the day. Of course, members have the ability by arrangement to seek leave of the committee to ask questions. That capability was also available to the member for Barambah as it was, of course, to other backbench members, including One Nation members.

The third matter I want to refer to relates to the application for liquor licences in my electorate. This case relates to a cinema complex at the Indooroopilly Shoppingtown. We have gone through a period during which those restaurants and other undertakings that can obtain liquor licences have been extended. I believe that there is a time and place for liquor licensing. I do not think we want to extend those licences to cinema complexes. Of course, it can be argued perhaps that there is a justifiable basis for that, although no justification has been put up in this instance. An application has been made. I am concerned because families allow their children to go there with relative safety and ease. They are not concerned about the consumption of alcohol on those premises. Although the applicants might be able to say that liquor will be served only in a special, reserved area, I am sure that at the end of the day they will be seeking extensions of that licence across other areas on the same premises where children and young people go. I do not believe it is the sort of move we want to encourage.

Time expired.

Goods and Services Tax

Mrs LAVARCH (Kurwongbah—ALP) (11.51 p.m.): Last week the Australian Council of Social Service released its findings after surveying 520 front-line community agencies. Its report, *Australians Living on the Edge*, presents a disturbing picture of a community welfare sector under enormous strain. Nearly half the agencies that are struggling to meet the increased demand upon them report that they are having to turn away many clients. Nearly all of these agencies nominated changes to Government policy as the biggest issue they faced. Of course, they are changes to Federal Government policy.

On the same day that those findings were released, the Prime Minister, John Howard, was reported to be seeking the support of welfare groups for tax reform and the GST. I understand that the response from some groups has been to implore the Prime Minister to hold an inquiry into the effects of the GST, especially on food and services for those on low and fixed incomes. They fear, rightfully in my view, that these people will be the greatest affected. This will mean a greater demand on welfare agencies, agencies that are already at breaking point. But what of the effect of the GST on the agencies themselves? The QUT program on nonprofit corporations is currently looking into this aspect of the GST. In particular, Myles McGregor-Lowndes is undertaking an extensive analysis of taxation impacts on this sector. I commend him for his excellent work.

Tonight I will raise members' awareness of the issues directly confronting our nonprofit or community sector and ask that they take the time to become fully informed. I have no doubt that they will be asked many questions by community groups in their electorate should the GST be introduced. If one looks at the coalition's tax reform package, one will find that it contains a list of GST-free activities. What is striking about this list—and what should cause great concern—is that the emphasis has changed from who is sales tax exempt to what is GST free. That means that some activities of community agencies will be GST free whilst other activities will not. Under the present system, many of those agencies are sales tax exempt and do not pay any tax at all. The tax reform package states that charities, public benevolent institutions, community groups and the activities of religious organisations that are not commercial are GST free. But it is not stated whether all organisations currently tax exempt under the Income Tax Assessment Act will continue to be so and qualify as GST free. Also, it is not

clear whether sporting clubs, particularly those who earn their income from poker machines, will be GST free.

Another concern that has been raised is the treatment of large organisations like St Vincent de Paul, Lifeline and even the churches that provide a number of facilities such as hospitals, nursing homes, schools and second-hand clothing shops. Will they be treated as one single legal entity or be broken up into each activity or division? If they are treated as one single entity, it could have enormous repercussions on the organisation in respect to tax. The definition of what attracts a GST for nonprofit groups would include second-hand charity shops, any publications or advertising in publications for community groups or charities as well as anything sold, from sweets and lollies at a church fete to lunches at a school tuckshop. Those would attract a GST. It also has serious consequences for charities or community groups that charge a fee for service. Meals on Wheels is one that comes to mind, but I am sure that the list is infinite. More questions are raised than can be answered for the activities of the nonprofit sector.

The treatment of gambling under the tax reform package has also raised alarm for those commenting on behalf of the nonprofit sector. The Howard Government wants to place a GST on the operator's margin. The tax will apply the difference between total tickets sold and the value of the prizes or winnings. Many nonprofit organisations engage in charity gambling to raise income for services. Members can consider the Endeavour Prize Homes or the Boys Town Art Unions. Then there is the whole question of State gambling taxes. The tax reform package states that a GST on gambling may require a corresponding decrease in State gambling taxes. If a State receives either decreased gambling taxes from the effect of the GST or, alternatively, reduces tax correspondingly, what will that mean to the Gaming Machine Community Benefit Fund? I urge all members to stand up for their community groups, welfare agencies, sporting clubs, schools, churches and the millions of ordinary people who give their time, money and effort to the community and stop the GST from destroying them.

Banking Services

Hon. B. G. LITTLEPROUD (Western Downs—NPA) (11.55 p.m.): Tonight I will speak about the problem of banking services in very small rural communities. Although I was always proud to see the Borbidge Government

working towards promoting new development across the State and creating new jobs, I was always frustrated to see simultaneously that the banking industry especially was downsizing and shedding jobs as quickly as we were creating them. I also acknowledge the efforts of the Beattie Government. It also shows a commitment to creating jobs and development across Queensland. The problem to which I refer will not necessarily be resolved by the Governments of the day. It is a very real problem for the people in those small communities. Two parts of my electorate have real problems in this regard. One whole shire, the Bendemere Shire—which has two major towns, Wallumbilla and Yuleba, both of which have only 300 or 400 people—has no banking facilities. The shire's headquarters are some 70 kilometres away from a major bank. Another town in my electorate that is also suffering badly is the town of Jandowae. That town of about 800 people is about 50 kilometres away from the nearest big centre. It has one bank and a couple of agencies.

I will go through some of the solutions offered in the dialogue between the people who run the banking facilities and their customers. Recently, a lady from Jandowae wrote to me pointing out that Suncorp-Metway is pulling out an agency that it currently runs out of the post office in Jandowae, obviously because it finds it non viable. In a letter to that customer, Suncorp-Metway in Toowoomba pointed out that it had all sorts of options. The first option discussed was that of automatic teller machines. Unless an automatic teller machine can service a sizeable population, it is not a viable proposition, so that rules out that option for Jandowae and places such as Yuleba and Wallumbilla. The next option offered was telephone banking. That is a new innovation. I believe some businesspeople in those communities, service providers in the town itself or people living on farms in the community would, to some extent, make use of telephone banking—but not all. I will speak more about that later. The next option offered by the bank—and all the banks are in the same boat because of competition—was to provide agencies. Post offices, themselves now private enterprise agencies working on behalf of AustPost, are also taking on agencies for institutions such as the Commonwealth Bank and Suncorp-Metway. To some degree, they have been working not too badly. However, Suncorp-Metway has chosen to drop that agency out of Jandowae. So anyone who has an account with that particular establishment now has to go to Dalby to do his or her banking.

Also, the Commonwealth Bank has a service fee of \$1.50 every time a person goes in to make a banking transaction at the post office. The Commonwealth Bank is quite entitled to charge that fee. However, it was pointed out to me by a pensioner—and there are many elderly pensioners living in Jandowae—that a charge of \$1.50 every time they make a transaction is quite an impost on them, particularly when people living in the larger centres can go to automatic teller machines and there is no charge. So I think that they have a cause for complaint.

The bank suggested that those people could use EFTPOS. Generally, EFTPOS is only viable for businesses that have a pretty large turnover, and there are none of those in Jandowae. There are automatic transfers, but that does not seem to suit the pensioners, and there is also Internet banking, which is something that is trying to break through. The point that I want to make is that these banking arrangements create total inconvenience for everyone. Some people can learn to live with them but some people who hold very small amounts of cash such as pensioners are finding it extremely difficult.

A solution is still being sought. The banks are trying to do certain things and credit unions are setting up operations, but still the people in these very small communities are finding it very difficult to be able to get their hands on small amounts of cash for their usual small financial transactions. I think that that is also posing many problems for retailers, because they have to hold cash on their premises until such time as they go to the nearest bank.

The solution may lie in new technology. However, we must keep in mind that those who have the most ability are making use of new technology and those who are being left behind will be left wanting. As administrators across Australia, I wonder if we should consider the community service obligations that are put into legislation corporatising bodies such as Queensland Rail and the electricity bodies across Queensland. As part and parcel of getting a banking licence or getting a credit union licence in Queensland or anywhere else across Australia, there should be a qualification in the legislation that there is a community service obligation to people in remote communities so that the people who are least able to look after themselves can overcome their problems and access the services that many of us in the larger centres take for granted.

Logan and Mount Gravatt Police Districts, Law and Order

Mr MUSGROVE (Springwood—ALP) (12.01 a.m.): I rise to inform the House of some of the initiatives of the Beattie Labor Government, and in particular the Minister for Police and Corrective Services, in providing services for the people of the Logan and Mount Gravatt districts in relation to law and order. In prefacing my comments, I would like to reflect on today's media stories about the email comments, which I personally found offensive and I am sure my constituents would also have found offensive. We in Logan City work very, very hard to build our community. Logan bashing as such has been around for 20 years or 30 years. However, it is not something that the people of my area appreciate. It sets back the good endeavours of many hardworking members of the community who like where they live, who are proud of where they live, and who work very hard as a team to lift Logan's image. Certainly, those reports in the media are unhelpful to say the very least.

At the end of the day, the actions of the Government speak louder than words. I am proud to inform this House that at the Springwood Community Cabinet meeting, which was held last weekend and on Monday, the Police Minister, Tom Barton, announced three new police shopfronts for shopping centres in Springwood, Mount Gravatt and Woodridge and a Police Beat to be located in Eagleby. Each of those should be operating by early next year.

The Springwood shopfront was a commitment of the then shadow Cabinet, which came down to visit the people in the electorate of Springwood when it was not a Labor electorate and it was a long way away from an election. The shadow Cabinet gave a commitment to provide a police shopfront to the Springwood community to improve policing. I am sure that the very hardworking police officers in my community will appreciate that extra facility to enable them to be working directly with shopkeepers, the community and local publicans to reduce crimes such as car theft, disorderly behaviour in a public place and common property crimes that occur around shopping centres and other places where people gather.

I know that the member for Mansfield is delighted that the Mount Gravatt shopfront at Garden City will be operating before Christmas. I am also sure that the member for Woodridge will be delighted that the shopfront that is to be located in the Logan Central Plaza at

Woodridge is due to be finished by February next year. That location in Logan Central Plaza will mean that that area will have two shopfronts within several kilometres of each other. That will serve the good people of Logan very, very well.

In the 1998 election campaign, Labor promised 10 Police Beats and 10 shopfronts. The Government has exceeded the Police Beats promise with 12 new Police Beats being implemented this financial year. In relation to shopfronts, there will be a further six this year and four the next year. I believe that members will agree that Police Beats and shopfronts not only provide a human face to the Police Service but also reduce crime and the fear of crime because they are a very visible police presence.

I contrast this approach with that of the Opposition. I refer to the editorial of the Reporter newspaper, which is circulated in my electorate and, indeed, throughout Logan City. The editorial reflects on the views of the member for Broadwater. The headline states, "Grice off road on gun laws", and I will entertain the House with the following quotes from it—

"Allan Grice wants to alter domestic violence laws, so some bullies can get their guns back.

Some get domestic violence orders against them because they can't control themselves.

It doesn't seem to me that Mr Grice really cares about the sometimes defenceless women involved."

While this Government is taking positive action to reduce crime in our community—and we know that domestic violence is a problem generally but it is a particular problem in Logan City—Mr Grice wants to give people their guns back. After the great tragedy of Port Arthur, which I am sure all members would agree was a turning point in this nation's history in relation to gun laws, certainly as far as my electors and my local newspaper, which is very much in touch with the local community, are concerned and I find Mr Grice's view that these gun-toting males should be given back their guns, which are often turned on their de facto wives or their spouses, is bizarre to say the least and is indeed a great tragedy. I certainly hope that if the Opposition is ever returned to Government, it will not implement that policy. The editorial in the Reporter newspaper finishes off with this final comment—

"With policies like this, the Opposition will be the Opposition when I'm old and grey."

Time expired.

Motion agreed to.

The House adjourned at 12.06 a.m.
(Wednesday)