WEDNESDAY, 28 APRIL 1999

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

PETITIONS

The Clerk announced the receipt of the following petitions—

Trawl Fisheries

From **Mrs Nita Cunningham** (1,381 petitioners) requesting the House to move that the Queensland Fish Management Authority be advised to abandon all attempts to progress the major seasonal closures for the Queensland trawl fishery.

Trawl Fisheries

From **Mr Laming** (131 petitioners) requesting the House to remove all sections of the Fisheries Amendment Regulation No. 3, Subordinate Legislation 1999 No. 58, relating to the legalisation of trawlers to take and sell finfish, winter whiting and blue swimmer crabs from the legislation.

Petitions received.

MINISTERIAL STATEMENT

Port Arthur Massacre

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.32 a.m.), by leave: Today we should all take time to remember the massacre of 35 people at Port Arthur three years ago today. In the light of recent developments, it is all the more important to reflect on those deaths and ensure that the lessons we learned from that tragedy are not forgotten or eroded.

I travelled to Tasmania for the memorial service, along with the then Premier—now the Opposition Leader—and the Governor, to represent all those Queenslanders who had been shocked and saddened by the shooting. Along with everyone else at the service, I will never forget the overwhelming feeling that we should do our best to ensure that such a needless waste of lives should never be allowed to happen again.

This year I returned to Port Arthur with my family and stood at the memorial which has been erected. My resolve was strengthened. Recently, we have all been shocked by the massacre at a school in the United States where the pro-gun lobby reigns all powerfully and deaths from shootings proliferate. Closer to home in Queensland, a gun dealer is pressing for semiautomatic guns to be put back on the shopping list.

Let us pause and remember the 35 people who died three years ago today and the widespread approval for the bipartisan changes that were made to gun laws to try to prevent similar mass murders in future. Let us ensure that the passing of time does not allow us to soften our commitment to these laws and the protection of the community.

MINISTERIAL STATEMENT

Bioindustry Development

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.34 a.m.), by leave: On 19 May at the BIO '99 Conference in Seattle, United States, I will unveil my Government's 10-year plan to make Queensland a leading location for bioindustry development, both in Australia and in the Asia-Pacific region. I have often spoken of my vision and my Government's vision of making Queensland Australia's smart State and of building new industries for the 21st century. My speech on 19 May will spell out how we aim to turn that vision into reality when it comes to bioindustry.

We have to act quickly and decisively if we are to gain thousands of jobs from what was until recently a scientific frontier. The industrial revolution took more than 100 years to change society. The IT & T revolution has been changing the way we think and work for a little over 30 years. Then the information revolution hit us, with information now a valuable resource and commodity and with a large percentage of the population engaged in a vast information industry, from web service providers, through universities and secretarial colleges to van drivers delivering magazines.

The bioscience/biotechnology/bioindustry revolution is the next major revolution that will change our lives. It is likely to be far more rapid. It will have far-reaching effects, and it is already under way. We can either be part of it and profit from it in jobs and foreign exchange or simply be observers of it and be left in a backwater. Make no mistake, I intend to make sure that we are not only a part of it, but that we help lead the revolution.

Biotechnology is used in research, development and manufacturing in a range of industries. It involves the application of scientific techniques using living organisms to make or modify products, to improve plants or animals, or to develop micro-organisms for

specific uses. At the international level, the industry is currently estimated at US$20 billion a year, and it is estimated it will grow to be worth US$58 billion by 2000.

Along with the Minister for State Development, I recently announced that we were investing $15m in the $100m Institute for Molecular Bioscience at the University of Queensland, which for the first time will integrate the Commonwealth Special Research Centre for Molecular and Cellular Biology, the Centre for Drug Design and Development, the Centre for Microscopy and Microanalysis, the Australian Genome Research Facility, the Department of Primary Industries' Agricultural Biotechnology Centre and the CSIRO's Tropical Agriculture Division.

The Institute for Molecular Bioscience at the University of Queensland is truly a world first and will be one of our nation's major engines of research and development. It places Queensland at the vanguard in biotechnology, resulting in new industries, new technology exports and jobs. It will be the largest biological research facility in Australia and home to 700 world-class scientists and support staff. A $55m Comprehensive Cancer Centre at the Queensland Institute for Medical Research will open later this year. In addition, the Queensland Government has committed a further $30m for the expansion of Queensland Health Scientific Services at Coopers Plains, incorporating the National Research Centre for Environmental Toxicology.

We need partnerships with the private sector if we are to succeed in making this vision a reality. We need to attract venture capital to help create this new industry and we need the Federal Government to change the capital gains tax legislation and the current laws to encourage that venture capital investment in this country. That is one of the reasons that I am going to Bio 99 in Seattle—to use that as a flagship to attract that venture capital investment in Queensland and, in particular, in the projects I have outlined. In Seattle I will be inviting the world's leaders in bioscience and technology to come to Queensland to see for themselves what we have to offer. We are not just facing a new millennium, we are facing the dawning of a new employment era for the State.

As I said, my Government has a vision of Queensland as a smart State. An integral part of that vision is enhancing Queensland's reputation as an emerging hub for information technology. Since we have been in office, this Labor Government has attracted a number of IT and communication groups to Queensland, and the Minister for State Development and I have announced those from time to time, but we want more. This week my Government is putting the finishing touches to a bid for the prestigious World IT and Service Alliance World Congress on Information Technology in 2002. WITSA is an international organisation made up of 28 associations that represent the IT industry in North America, Latin America, Europe, Asia-Pacific, the Middle East and Africa. WITSA has a real impact on the global IT environment.

The Queensland Government is keen to win the 2002 event, which is expected to attract more than 1,000 key decision makers. However, we will not be caught up in any bidding duel. We will be mindful of taxpayers' money as we conduct this bid. The benefits will have to be balanced against the costs.

The Australian Information Industry Association has secured the rights to host the event and is now seeking the State Government to be a partner sponsor. If Queensland's bid were successful, we would set up an organising committee to run the event. It would include members from the Australian Information Industry Association, Brisbane Tourism, the Department of State Development, the Department of Communications and Information, and high profile Queensland-based executives from the IT industry. This committee would be in control of the planning, promotion and logistics of the conference. Brisbane Tourism has already been providing advice on the bidding process and on running events such as this.

This Government will take every opportunity to promote and develop Queensland's IT status, but always with a careful eye on the cost. We are also determined to make Queensland the smart State of Australia.

MINISTERIAL STATEMENT

Information Technology

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.40 a.m.), by leave: Since coming to office, one of this Government's strategies has been to support not just those industries which can create jobs now but also those industries which will be the employers of the future. The last Labor Government strongly supported the information industry, support which is now paying off as the IT industry consistently emerges as the source of many of the new

jobs which are now being created in Queensland .

In much the same vein and as the Premier outlined, we are strongly supporting bioindustries. Biotechnology is basically a set of techniques which can alter the genetic make-up of plants, animals and micro-organisms so that they can carry specific traits. One relevant example of how biotechnology can be used in Queensland concerns trees. A Brisbane based company, ForBio, is the world leader in applying biotechnology to forestry and plant agriculture. What they seek to produce is bigger and better trees. This is the sort of initiative that we need to encourage in Queensland, not only for export purposes but also for our own domestic industry.

Honourable members would be aware of the $15m that we allocated to support the Institute for Molecular Bioscience at the University of Queensland—that was an important contribution—however, our initiatives go well past that. Next month the Premier will be leading a group of bioindustry companies to the United States to take part in the Biotechnology Industry Organisation Conference, which will showcase our capabilities in bioindustries to the world.

To further capitalise on Queensland's unique capabilities, I have established a task force within my department to address the key issues required to capture the jobs and wealth that come from the bioindustries. I also seek a close involvement with industry in the formulation of these goals. To seek this end, I have established a bioindustry advisory group comprising leading representatives of Queensland's bioindustry, financiers and researchers to provide that business oriented input which I think is necessary at this point in the development of our industries, and I will be meeting that group this afternoon.

This group will consist of people who have achieved results in the biotechnology area in private industry, such as Dr Carrie Hillyard, the managing director of Bionetworks and a person well known to many members on both sides of the House; David Wyatt, the managing director of Novogenesis; and Professor Bob Teasdale, a managing director of ForBio. Other members, such as Neil Summerson of Ernst & Young, will help provide the financial sector links so that the products that will be commercialised from this research are developed in Queensland.

There are many people within our research institutions who are pushing the biotechnology barrow very hard, and I want to make sure that we are in a position to commercialise the technology coming out of this research.

Mr SPEAKER: Order! I remind all members that phones and beepers should be in the silent mode or turned off while members are in the Chamber.

MINISTERIAL STATEMENT

Film and Television Industry

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.43 a.m.), by leave: This Government is about generating jobs for young people. Today I shall be announcing another Government sponsored initiative designed to promote youth training and employment through the arts. In the history of the visual arts, film is a young medium and its target audience and market are also young. The Government recognises that young people deserve a voice in that medium, to become more than passive consumers of screen culture but working contributors to and creators of it.

First Film will offer young film-makers hands-on experience and career training in a multimillion-dollar industry that generates jobs and investment in Queensland's economy. It is a joint initiative by the Pacific Film and Television Commission and the Queensland Performing Arts Trust, in association with Qpix and Stage X. The First Film competition will give first-time film-makers aged 16 to 26 practical access to facilities and hands-on experience in a high-cost, highly competitive industry. It will be staged as an annual festival, coinciding with the youth festival Stage X in July, culminating in the judging and screening of the films as part of the Fast Film event held in October this year.

The inaugural theme for First Film is reconciliation—a topic more relevant than ever given events in Kosovo, East Timor and Northern Ireland. In today's world, young people are painfully aware that unresolved racial violence and the rule of the gun invade even suburban school classrooms.

The First Film initiative will also actively promote youth education and training programs through the arts industry, which provides direct and indirect employment for some 54,000 Queenslanders. Queensland's job growth rate in the film industry is now 72%, higher than any other State's. Combined domestic and international film production in Queensland from 1992-98 was $572m, with an economic impact of $1.63 billion and the creation of 12,012 jobs in our State.

Queensland now attracts 30% of the Australian film and television drama market and, on current trends, annual film and TV production will increase to $120m with a combined economic impact of $344.4m for the State. Movies made here mean jobs, earnings and a stronger local industry providing jobs and training for young Queenslanders.

On 15 March the Premier announced that leading US company Coote/Hayes Productions will spend $100m producing five TV projects in Queensland in 1999, some of them using Warner Roadshow facilities. This evening I shall have the honour of participating in the presentation of the Warner Roadshow Movie World Studios Queensland New Film Makers Awards. These awards recognise the role that young people have to play in the film and television industry, and Warner Roadshow Movie World Studios are to be commended for sponsoring them.

MINISTERIAL STATEMENT

Palliative Care

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) (9.46 a.m.), by leave: Palliative care is one of those areas of the health service that goes largely ignored and unheralded. This is for a number of reasons, not the least of which is that it requires all of us to confront our own mortality. The simple fact is, however, that there is a need for such services and these are provided by a dedicated group of health care professionals and Government and community agencies.

For many years, palliative care has been poorly funded. Funding made available for this essential service has historically been provided by the Commonwealth alone. To this end, I rise to inform members of Queensland's approach to palliative care as part of the national strategy under the Australian Health Care Agreement 1998-2003.

A National Strategy for Palliative Care in Australia 1998-2003 is a joint initiative between the Commonwealth, States and Territories and has been included as part of the Schedule of the new ACHA. As a signatory to the ACHA, Queensland is committed to developing a policy position that articulates and contributes to the national strategy. The national strategy contains four key policy objectives, namely: integration; access and equity; quality, evaluation and improvement; and education and information. These objectives will dovetail with Queensland's proposed strategy.

Palliative care is a relatively new specialty area in health care. Key points in relation to the establishment of high-quality palliative care in Queensland are as follows—

Respite care is the single biggest need for carers, which requires adequate infrastructure to provide appropriate opportunity to access.

Considerable palliative care is provided in rural and remote areas. However, access to adequate specialist advice is limited.

Significant planning exercises have occurred in Queensland with a broad variety of stakeholders, particularly those from non-Government organisations, which provide the majority of palliative care in Queensland. More recent work has affirmed the need to enrol general practitioners in palliative care provision.

The approach adopted by Queensland Health is the development of self-sufficient service capacity for the full range of health and palliative care services on the basis of geographical zones.

Special needs groups require particular attention in the planning and delivery of palliative care services. These groups include children, people living with HIV/AIDS, indigenous people and people from culturally and linguistically diverse English speaking backgrounds.

It is intended to finalise a staged development of the recommendations from previous consultation. This will occur over the next 12 to 18 months.

Mr Speaker, I am pleased to inform members of the House that under the Beattie Labor Government the ability of Queensland to meet its obligations, both as a signatory to the ACHA and also to Queenslanders providing and using palliative care services, has been enhanced and this unfortunate funding situation has been remedied. As part of the Labor Party platform taken into the last election, I promised to match the existing Commonwealth funding commitment to palliative care, a tenfold increase in this State's funding. It is with great pride that I can report that the Beattie Labor Government delivered on this election commitment in the first Budget. Today I would like to outline to the House exactly what this has meant for palliative care services in Queensland.

Firstly, it means the injection of an additional $5.1m of State funds over a full year. We have effectively doubled the total amount of Commonwealth/State funding to this hitherto neglected and cash-starved area—a real injection of much-needed funds, not a negligible, token amount as was

provided for by the previous coalition in its pre-election Budget. More specifically, in delivering on this Budget commitment, this much-needed enhancement of funding has resulted in significant increases in funds provided to the numerous agencies currently providing excellent palliative care in the community. Recipients of this increased funding include Mt Olivet Home Care Service, Karuna Hospice Service, Cittamani Hospice Service, the Ipswich Hospice Service, Hopewell Hospice Service, Fraser Coast Palliative Care Service and the Palliative Care Association of Queensland. Further, all existing district health service palliative care funding recipients have each received increases.

In addition to improved funding for existing services, new services have been provided for the Royal Children's, Royal Brisbane and Prince Charles Hospitals. To meet the palliative care needs on the Sunshine Coast, a tender for home care services to the value of $350,000 will be awarded shortly following a call for expressions of interest. But the provision of additional palliative care funds is but one part of the equation. The other, equally important part, is the move to provide stability for agencies through the development, negotiation and implementation of three-year service agreements. The importance of this move can not be understated.

In developing three-year agreements, we are providing a solid, sound basis for agencies to plan and manage service delivery. In short, it relieves agencies of the uncertainty of funding and enables resources to be freed up for service delivery, rather than redirected every year for extended periods to administrative work associated with funding submissions. This Government can proudly, and justly, say that we are achieving our election commitments in meeting the health needs of all Queenslanders.

MINISTERIAL STATEMENT

Police Beat Program

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.52 a.m.), by leave: I rise with pleasure this morning to tell this House of some of the achievements of the Beattie Labor Government in the area of community policing. Prior to the last election, the then Labor Opposition made a commitment to provide funding for an additional 10 Police Beats in cities, towns and suburbs right across Queensland. The former Police Minister, the honourable member for Crows Nest, also promised the Queensland electorate an expansion of the Police Beat program. However, the difference between the promise by the coalition and Labor's promise was that the Beattie Labor Government came up with the cash.

On coming to Government I was surprised to find virtually no money in the coalition's budget for delivery on that commitment. The former Minister, in a desperate bid to hold on to Government—and perhaps belatedly realising the benefits of Police Beats to local communities—rashly and hurriedly promised Police Beats all over Queensland. And yet the Budget that had been framed just two months prior to the last State election had funding for just two Police Beats. Labor promised 10 Police Beats, but will deliver 12. Unlike the former Minister, Labor retained a commitment to community Police Beats dating from their introduction in 1993 under the former Labor Government. Police Beats worked then, and they work now. And the coalition failed to appreciate that fact.

The Police Beat concept allows us to combine the best of modern technology with the effectiveness of community-based policing from years past. A modern-day Police Beat officer is like the country cop of yesteryear. Most Police Beat officers live in a suburban house, in a suburban street and walk the beat in a designated area extending from that house. One Police Beat, however, will operate out of commercial premises and another out of a former police station. A Police Beat officer's house differs from every other in the street in just one way: it is a fully functioning police station, with complete computer access to the Queensland Police Service mainframe computer.

Police Beat officers become familiar with the local community, because they are members of the local community and participate in local community life. Local communities are embracing community Police Beats. Only last weekend, when I was in Townsville for Community Cabinet, members of the local community formed a delegation to thank this Government for the two newly opened Police Beats in that city.

We promised 10 community Police Beats in this Government's term. By 30 June, less than 12 months after gaining Government, Labor will have delivered 12. As a result of Labor's commitment to community policing, Police Beats will be a regular feature of daily community life in Trinity Beach in Cairns; Garbutt in Townsville; South Townsville; Kelso in Townsville; Rasmussen in Townsville;

Eagleby; Riverview; Bray Park; Kallangur; Margate; Urangan; and Slade Point in Mackay. The beats at Garbutt, South Townsville and Trinity Beach are already up and running. The Kelso, Riverview and Rasmussen beats will be opened shortly. Other ministerial commitments permitting, I expect to officiate at the openings of the beats at Slade Point, Bray Park, Kallangur, Urangan, Margate and Eagleby during the months of May and June.

I am proud to belong to a Government that has made such an unambiguous commitment to the Queensland electorate and then delivered.

MINISTERIAL STATEMENT

Odyssey of the Mind

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (9.56 a.m.), by leave: A team of students from the Woodridge State High School will soon be attending the Odyssey of the Mind world titles in the United States. There they will think for Australia in a mental contest with other creative students from around the world. I draw the attention of honourable members to the presence in the gallery of those students from the Woodridge State High School.

The team from the Woodridge State High School has been fundraising for some time in a bid to finance a trip to the United States to compete in the Odyssey of the Mind world titles. It is my pleasure here today to inform the House that Education Queensland has agreed to provide $7,000 needed to help cover the cost of the trip for the team and its coaches. The Honourable Minister responsible for consumer affairs used to teach at that school. The school community has been fundraising for the trip to Knoxville, Tennessee from 26 to 30 May, and they should be congratulated on their efforts.

The Odyssey of the Mind fosters creative thinking and problem solving among students at all levels. Students present solutions to problems from a variety of areas—technical, artistic, cultural, historical, mechanical, engineering and science. By finding creative solutions, students learn many skills, such as working with others, evaluating ideas and making decisions while also developing self-confidence from their experiences.

The students are Eleanor and Katherine Goodall, Christopher Beattie and former students Rebecca Brown and Fredrico Felixberto. The team has already proved its powers for creative thinking and problem solving at an Odyssey of the Mind competition in Newcastle. In Newcastle, the team won first place in their division—high school division—and section—classical—and also won a prestigious creativity award. The particular work that the school did was to create a modern adaptation of Shakespeare's play Twelfth Night.

The team will stay in the residential colleges at the Knoxville University and spend a day with NASA in Florida after the competition. Education Queensland is pleased to be supporting what is a once-in-a-lifetime opportunity for these students to represent their country. The team will stay in an Odyssey of the Mind village which will house between 15,000 and 17,000 competitors from around the world.

I take the liberty, on behalf of all members, of wishing these students well for their forthcoming odyssey. This occasion does call for a Shakespearean quote. Indeed, it calls for an adaptation from Shakespeare. I choose Macbeth because the Premier is actually a lineal descendant of that particular Scottish monarch and a member of the Macbeth clan. I say to the students at the Woodridge State High School: be bloody, bold and resolute! Laugh to scorn the mental powers of other nations, for none of the US born shall harm Woodridge State High School!

Opposition members interjected.

Mr Schwarten: Out damned spot!

Opposition members interjected.

MINISTERIAL STATEMENT

Woorabinda Aboriginal Community Projects

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10 a.m.): Mr Speaker, I seek leave to make a ministerial statement.

Mr SPEAKER: Order! Leave granted.

Mr Hamill: Can you quote a bit of Shakespeare, too?

Mr SCHWARTEN: I just did. I said, "Out damned spot!" I was referring to those members. Mr Speaker, I seek leave to make a ministerial statement.

Mr SPEAKER: Order! I gave you leave a moment ago.

Mr SCHWARTEN: I could not hear because of the rabble opposite. I hope when those students go to represent this country in the United States they do not behave as those people over there behave.

I wish to inform the House of progress on the employment and training program being run at the Woorabinda Aboriginal community. In July last year, shortly after becoming Minister, I instructed the Department of Public Works to work with the people of Woorabinda to provide jobs and training in the planned redevelopment of local health facilities.

The aim was to provide the community with its own construction and maintenance skills as a forerunner to developing similar programs at other Aboriginal communities. This would enable communities to achieve self-sufficiency in the development and maintenance of local facilities.

At Woorabinda, a partnership between Q-Build, the Woorabinda Council and the Federal Government's Community Development Employment Program has helped build the $2.7m Woorabinda Hospital. Q-Build's Capricornia region won the construction tender and has engaged nine apprentices from the local community on the work since September last year. The overall two-stage project is now 90% complete.

The main hospital project was completed within deadline in March. The second stage—refurbishment of existing health buildings—is about 30% complete and should be finished by early June. The Woorabinda project has offered an opportunity to coordinate programs at different levels of government. It has provided local jobs and training and has established a local skills bank that can be called upon for future projects.

A partnership agreement has been signed between the Woorabinda Council and Q-Build to develop a plan to manage housing maintenance and upgrades for the community. The agreement will coordinate the employment of apprentices and trainees on available work. It will provide council employees with skills in condition assessment, asset maintenance and planning and construction supervision. The Woorabinda model has application in other Aboriginal and Torres Strait Islander communities.

Over the next five years, the Department of Housing will implement a $173m plan to meet urgent housing needs in 34 deed of grant in trust communities. It is possible that the Woorabinda model can be used to ensure that the program benefits local communities in terms of training and jobs.

Recently, I announced construction of a new women's shelter on Palm Island. The $600,000 project will enable women escaping domestic violence to stay on the island rather than transfer to the mainland. During the Community Cabinet meeting in Townsville, residents of Palm Island told me that they welcomed the go-ahead for the shelter but they also wanted to see greater involvement by local people in such construction projects. They said many people were not aware that suitably qualified tradespeople lived in communities such as Palm Island but were ignored when building projects were being planned.

I am keen to work with communities to find some way to improve that situation. We are doing it at Woorabinda, and we can do it elsewhere. I have subsequently asked the Department of Housing to ensure that a skills audit is conducted in each of the 34 communities to identify existing trade skills as well as opportunities for training young people. The Woorabinda project has worked well and I am keen to see it repeated at other communities to give jobs and trade skills to more young people.

MINISTERIAL STATEMENT

Black Striped Mussels

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (10.03 a.m.), by leave: Over the last month officers from the Departments of Primary Industries, Transport and the Environmental Protection Agency have been working feverishly to protect Queensland's ports from infestation of the black striped mussel. Honourable members will recall the discovery of these introduced marine pests late in March in three anchorages in Darwin, and would be aware of the extreme measures necessary to eliminate them. There have been grave fears that vessels, in particular the northern prawn fishing fleet, moored in the three areas since Christmas were infested.

While Commonwealth, Queensland and Northern Territory authorities have had no trouble identifying fishing trawlers and agreeing to satisfactory treatment of them at sea, Queensland was also being threatened by an unknown number of other vessels, including cruising yachts. I wish to inform the House that a total of seven vessels known to have moored in either Cullen Bay Marina, Tipperary Waters Marina or Frances Bay Mooring Basin did come into Queensland waters and ports and have been thoroughly checked.

Under the protocols developed in agreement between the Commonwealth and Queensland, officers from each of the departments have inspected the hulls of each

of the vessels as well as their internal plumbing. Some of these inspections have required departmental divers scouring every centimetre of the hulls as well as carrying out endoscopic investigation of the seawater intakes.

Some members with maritime interests would be interested to learn that the most environmentally safe method for the eradication of black striped mussels is circulating water heated at over 50 degrees centigrade down through the ship's plumbing for half an hour. Three Cairns-based prawn motherships that tie up against northern prawn fleet vessels and service other vessels to and from the fleet have also been asked to treat their internal seawater systems and will have diving inspections of their hulls.

An enormous effort has gone into locating and treating vessels that may have come into contact with black striped mussels and I congratulate officers from each of the three departments for their dedication to the task. That effort is continuing. While we are confident that no Queensland port has been infected, a comprehensive monitoring system of the State's ports from Karumba to Coolangatta is being implemented. At the same time, we will continue to work closely with the Australian Quarantine and Inspection Service to determine the long term directions for controlling the introduction of this insidious marine pest introduced by hull transport.

This is yet another example of this Government's proactive approach to protecting jobs and the environment and to securing the future of our important primary industries.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs LAVARCH (Kurwongbah—ALP) (10.06 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's Alert Digest No. 5 of 1999. I move that it be printed.

Ordered to be printed.

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

Report

Mr FENLON (Greenslopes—ALP) (10.07 a.m.): I lay upon the table of the House the Legal, Constitutional and Administrative Review Committee's final report relating to the consolidation of the Queensland Constitution. The report includes final drafts of, and notes to, the committee's Constitution of Queensland Bill 1999 and its adjunct Parliament of Queensland Bill 1999. The report also explains how the committee went about the consolidation of the Constitution. I also lay upon the table of the House an additional submission which the committee has authorised for publication in relation to its inquiry into the consolidation of the Queensland Constitution.

On behalf of the committee I take this opportunity to thank all people and organisations who made submissions to our inquiry. I thank the committee members and staff for their extensive work in completing the draft Bills and for their support. I move that the report be printed.

Ordered to be printed.

NOTICE OF MOTION

Performance of Ministers

Miss SIMPSON (Maroochydore—NPA) (10.09 a.m.): I give notice that I will move—

> "That this House condemns the Beattie Government for the disastrous performance of Ministers, particularly Ministers Edmond, Welford, Spence, Schwarten and Wells."

PRIVATE MEMBERS' STATEMENTS

Minister for Fair Trading

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (10.10 a.m.): The Minister for Fair Trading has repeatedly sought to convince this House that a recent investigation by the Criminal Justice Commission totally exonerated the Auctioneers and Agents Committee over the payment of $6,700 to the father of a former Labor adviser. That was not the case. The CJC Chairman, Mr Brendan Butler, has informed me that the Consumer Affairs Commissioner and Committee Registrar, Neil Lawson, may well have been right in challenging this payment. Mr Butler has also acknowledged that the committee may well have miscalculated the amount to which the claimant was entitled. That is a nice way of saying that it paid way too much.

Mr Butler has also confirmed that the coalition is not alone in its view that this claim received preferential treatment. Mr Lawson made precisely the same allegation. In other words, the Commissioner for Consumer Affairs and the Committee Registrar also believed that this claim received special consideration.

The CJC did not dismiss these allegations; it simply reached the conclusion that there was no evidence of criminal

conduct—I repeat: criminal conduct. The CJC did not interview any witnesses. Its conclusion was based solely on the information provided by the department and the committee itself—information that did not, to the best of my knowledge, give any indication of the Minister's parallel involvement in this affair.

We can only speculate as to what the CJC's finding might have been had it actually conducted an investigation deserving of that description, had it known about the Minister's call to the claimant's lawyer, and had it been alerted to other information not volunteered by the department or the committee. The fact is that the CJC did not exonerate anyone and most certainly not the Minister.

Trawl Fisheries

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (10.11 a.m.): I rise to support the petition tabled this morning signed by 1,381 fishermen, trawler owners, trawler skippers, crew and associated industry owners and operators who fear that trawl closures will have a devastating effect on their fishing industry. A further 17 names have been forwarded by radio from skippers and crew at sea. That is a clear indication of the opposition to trawl closures that is felt throughout the industry.

I understand from the Minister that the QFMA proposal to impose these closures is a regulatory impact statement and that those involved in the industry now have the opportunity to voice their concerns and object if they wish. This petition tabled today is indeed the objection of 1,381 people who depend upon the fishing industry for their livelihoods and who no longer have any confidence in the QFMA to protect their industry, their jobs, or their future.

I believe that it is a sad day if their own representative organisation is not putting forward the opinions against trawl closures that have been expressed so clearly at meetings from Mooloolaba through to Gladstone. I am told that the meeting in Bundaberg voted for no closures, the meeting at Gladstone voted for no closures, and the meeting at Mooloolaba voted for no closures. QCFO branch 14, with 237 members, totally rejected closures and branch 20, with 195 members, voted for no closures. Yet the QFMA reports have said that they are in favour.

The fishermen who have signed this petition are responsible people and they have listed in correspondence to the QFMA and the QCFO clear details of their legitimate concerns for the industry, for its future and for its export potential. Their petition to this Parliament clearly states their objection and asks that the QFMA abandon its attempts to push for seasonal closures.

I can understand why so many fishermen are refusing to pay their QCFO fees. I can also understand why so many people in the fishing industry are disenchanted with their representation on the QFMA. I ask the Minister to look closely at this issue from the fishermen's point of view, not from the recommendations of those two representative boards.

Mr F. Peach

Mr HORAN (Toowoomba South—NPA) (10.13 a.m.): One of the important principles in appointing people to senior positions to run departments is that those people have some particular knowledge of the department that they are managing, and none more so than in the area of correctional services where one would expect that people who are going to be appointed to be the director-general would have some experience of prisons, not zero experience. Last week in the Courier-Mail, there was a very worrying report that Mr Frank Peach, who was the former Director-General of Education—a highly experienced teacher, a highly experienced administrator and a highly experienced director-general of Education—will be appointed as director-general of the new Department of Corrective Services that is going to be created.

That appointment is akin to putting a policeman in charge of the Education Department. It is also a move that is akin to what happened under the former Goss Government when the Labor Party decided that Mr Dick Persson, who was experienced in the area of local government and housing, should be put in charge of the Health Department. We saw the disastrous results that occurred in Health.

Not only that, we have just debated a Bill in this House regarding the changing structure of correctional services, which came about as a result of an independent inquiry headed by Mr Frank Peach. At that stage, when we were debating that Bill, we did not know that the person heading that independent inquiry was then going to be appointed to be in charge of the department. Such a move would be similar to appointing Mr Kennedy who, in the late 1980s, conducted an independent inquiry into Queensland's correctional system for the National Party Government. Members could imagine the furore if Mr Kennedy had been

appointed the director-general of the department after undertaking that inquiry!

The people who are going to be in charge of departments must have some knowledge of the work of the departments. We must have someone in charge of corrective services who has had some experience with jails, who has worked their way up and who has held managerial positions. This is one of the most important director-general positions in the State. We want to put on record our extreme concern about Mr Peach's total lack of experience in relation to corrective services.

Time expired.

Apprentices and Trainees

Ms STRUTHERS (Archerfield—ALP) (10.15 a.m.): In recent months, one of the most satisfying achievements for me is to be a part of this Government's success in generating thousands of apprenticeships and traineeships. Daniel Hyde of Salisbury is one new painting apprentice who is rapt. For a couple of years, Daniel tried unsuccessfully to score an apprenticeship with Q-Build. He thought that his deafness was hindering his applications. Not so under this Government. Recently, along with 149 other young apprentices, Daniel was inducted at a Q-Build ceremony.

In my electorate, a further 16 young people have been given a leg in to promising careers by this Government. Delfin Property Group deserves praise for working in cooperation with Ipswich Young Unemployed People Incorporated and other community groups to obtain a State Government grant to take on 16 horticultural trainees. These trainees will undertake land care activities around Blunder Creek. In doing so, they will receive high-level training and support.

Since this Government launched the Breaking the Unemployment Cycle program last October, 3,058 apprentices and trainees have been taken on. Daniel Hyde has a big smile on his face and money in his pocket. That is what we want for many more young people and their families.

Dolphins

Mrs SHELDON (Caloundra—LP) (10.17 a.m.): I rise on an issue of grave concern to environmentalists, to dolphin lovers in general, and to those people who are very concerned about what Minister Henry Palaszczuk is doing in terms of the fishing industry and the killing of dolphins. Certainly, some questions need to be answered.

Government members interjected.

Mrs SHELDON: Members of the Government may well laugh, but most people love dolphins. The Minister needs to answer why nine dolphins were killed and 76 entrapped within purse seine fishing nets in an experimental Government supervised trial in the last six months of last year despite a scientific observer from the Queensland Fish Management Authority being on board the fishing vessel. What happened to the information that was supposed to be logged by the scientific officer? Was it passed on? If not, why not? If so, why was it not acted upon immediately? Why did it take until February 1999 for this evidently to come to the attention of the Minister, Henry Palaszczuk? Why were the concerns of the environmentalists and recreational fishermen—and there are a large number of them—ignored by the QFMA, which is under the Minister's control? Why have the Minister and the QFMA failed to police the Government's own permit conditions, particularly No. 14 of those permit conditions? Why has the Minister allowed the QFMA to repeal the emergency suspension, despite clear breaches of the permit conditions? Furthermore, Federal authorities responsible for marine mammal protection were not notified.

I have a letter from the Minister for Primary Industries dated 19 April setting out the fact that the emergency closure, which was imposed in order to review bycatch dolphin take in the fishery, has now been repealed and the decision to reopen the fishery was taken by the QFMA management after an investigation of the matter. The Minister for Primary Industries states in the letter, "after investigation". There is no surety that this is not going to happen again, because when it did happen the last time, the Minister allowed it to happen so that nine dolphins were killed and 76 were entrapped before he did a thing. Despite the presence of the Minister's scientific officers and the fact that they supposedly report to him, what guarantee is there that more dolphins will not be killed and entrapped?

Time expired.

National Science Week

Mr ROBERTSON (Sunnybank—ALP) (10.20 a.m.): Yesterday, I had the great pleasure in meeting Bryan Gaensler, the Young Australian of the Year, at the Clunies

Ross Centre at the Brisbane Technology Park before over 300 high school students at one of many events scheduled during National Science Week. The purpose of this event was to encourage students to pursue studies and careers in the exciting field of science and technology. Students were also addressed by Greg Lee, Chair of the National Science Week Committee, Dr Jocelyn Bell Burnell, astrophysicist and promoter of Women in Science, Dr Greg Harper, genetic engineer from the CSIRO, and Ms Linda Parker an engineer with Boeing Australia.

On the 100th anniversary of the birth of one of Australia's most pre-eminent scientists, Sir Ian Clunies Ross, it was particularly relevant that this event was held at the centre that bears his name, because Sir Ian Clunies Ross was a committed educationalist who believed that learning was a continuing process through life and that there should be the widest possible access to educational resources.

Yesterday's event brought together students from Runcorn State High School, Brisbane State High School, St Thomas More College and, significantly, Rochedale State High School. I say "significantly", because yesterday was the launch of the Clunies Ross Careers in Science and Technology Project in conjunction with Rochedale State High School and firms at the technology park.

The Clunies Ross project is a first for Australia, whereby students in Years 11 and 12 gain practical work experience through placement with technology-based firms at the park. I congratulate the firms that will participate in this innovative project: Gilmore Engineers, Colmar Brunton, Cook Australia, Queensland Manufacturing Institute and ARM Australasia.

It is critical to Queensland's future that today's students be provided with education, information and opportunities to consider seriously careers in science and technology. By introducing our young people to extraordinary Australians such as Bryan Gaensler, the Department of State Development is demonstrating how exciting and challenging the future can be. Unless our young people embrace science and technology, then opportunities for the creation of new technologies, which are the real job creators in our economy, will not occur to the extent that will ensure our State's future.

Time expired.

Public Housing, Security

Mr LAMING (Mooloolah—LP) (10.22 a.m.): I rise today to bring to the attention of all members a bureaucratic bungle involving the Department of Housing and Q-Build, one of the commercialised businesses of the Department of Public Works, which has seen a fellow Queenslander become a victim of crime not once but twice.

I wish to inform fellow members of the case involving a female public housing tenant from Stafford who, over the weekend of 16 and 17 January this year, became a victim of a home invasion. After an inspection of the property by Housing Queensland officers on 18 January, the very next day, a priority order was raised with Q-Build to install both front and rear security screens under the coalition initiated Home Safe Program. However, Q-Build never carried out this original work order and the tenant suffered the further trauma of a second break-in through the same point of entry.

On 17 February 1999, the tenant contacted the Chermside Housing office, which immediately initiated an investigation to ascertain why the security doors had not been installed. They had not been installed because Q-Build had overlooked the original priority work order. This sorry tale does not end there.

In the company of an officer from Housing Queensland, a representative from Q-Build informed the tenant that the installation of the security screens would occur between 12 noon and 2 p.m. on Monday, 22 February. Was this commitment kept? No, it was not! This caused great inconvenience to the tenant who had arranged for her father to be in attendance while she was at work. This situation is totally unacceptable and is an example of the Minister's mismanagement of the Public Works and Housing portfolios.

I trust that the Minister will not take the stance of blaming hardworking public servants, but instead will stand up and acknowledge that, as Minister, the buck stops with him. The Minister needs to investigate immediately and thoroughly the circumstances of the issue and put in place procedures so that we do not see a repeat of this unfortunate bungle.

Time expired.

Mr D. Randall

Mr LUCAS (Lytton—ALP) (10.24 a.m.): I inform the House of the passing of a great Labor alderman of the Brisbane City Council, Don Randall. Don was first elected to the council as the Labor Party alderman for the ward of Waterloo Bay in 1979. He was re-elected to that same ward on a number of occasions and then finally to the ward of

Kianawah for the last time in 1991. Don was elected to the position of chairman of council in 1979 and held that position until 1985 when Labor lost office. When the Soorley council was elected in 1991, Don was elected chairperson of the Transport Committee and he held that position until 1993 when he had to resign due to ill health. Later that year he retired from the council, again due to ill health.

Don was a very hardworking and very popular councillor and alderman. He was a former plasterer and a very popular local representative. He was likeable. One would best describe Don as a good bloke. He was a person who got things done and who fought hard for the people of the bayside.

Don had a great history in the local area. His family lived in the area for many years. Randall Road was named after Don's family. His father was originally a dairyfarmer in the Randall Road area. Don was very active in the community, being the chairman of the Bayside Community and Child Care Centre, a local child-care centre, and he helped to establish family day care in the area, which serves the local community well. Don was the chairman of the Wynnum Manly Community Council.

It is a great tragedy that in his later years Don was robbed of enjoying his retirement by ill health. At the age of 58, he retired from the council and for the past four years he was resident in the Moreton Bay Nursing Care Unit. It is unfortunate that after the very great work that both he and his wife Kathy did—they were a great team—they could not enjoy well deserved recreational pursuits following Don's retirement. I give credit to the staff of the Moreton Bay Nursing Care Unit for the great care that they took of Don over the years. I pay tribute to Don and express my condolences to Kathy and their family.

Twin Cities Leisure Accessible Incorporated

Mr TURNER (Thuringowa—IND) (10.26 a.m.): I inform the House that I have been attempting to obtain a fishing vessel suitable for the elderly and people with a disability. A recreation and leisure organisation had to be formed and funding for the fishing boat project is being investigated.

On 20 April 1999, a public meeting was held at the Townsville RSL Club, which was attended by representatives from aged and disabled organisations in the twin cities area. This was a very important meeting aimed at establishing a recreation club, which will provide another step towards equal opportunities in our community.

There are people in our community who, because of age or disability, are unable to participate in their favourite recreation. They are not incapable of doing so, but their special needs have not been met. I hope that this club will work to provide those special needs so that the elderly and people with a disability can enjoy recreational activities that were previously inaccessible to them. It is important for people with a disability to have their own recreational organisations because, although their recreational interests are the same as those of the abled, the equipment required to participate in those interests is drastically different.

A great deal of excitement was created by the idea of a fishing vessel constructed specifically to meet the needs of people with a disability. I envisage that this vessel would become part of a total package made up of equipment that was designed and created to meet special recreational needs.

The keen response from the representatives of the aged organisations was most welcome and all in attendance at the meeting very enthusiastic. A steering committee was formed and will hold the first meeting of Twin Cities Leisure Accessible Incorporated on 5 May 1999.

By their very nature, recreational organisations lend themselves to promoting the integration of the community by allowing members to meet new people, make new friends and cement fellowships. To combine these aspects with recreation makes this kind of organisation an essential part of community life. My congratulations and best wishes go to the members of Twin Cities Leisure Accessible Incorporated. I hope that the success of this club will be a pilot for more such clubs throughout Queensland.

Time expired.

The Hills Players Inc.

Mr WILSON (Ferny Grove—ALP) (10.28 a.m.): I rise to speak about The Hills Players, an amateur theatre group that has been providing excellent theatre entertainment to the residents of the suburbs of north-west Brisbane for the past 19 years. Recently I had the pleasure of attending the opening night of their latest production, a comedy called Breath of Spring, written by Peter Coke and ably directed by Sylvia Smith.

The play centres around Dame Beatrice Appleby and her friends, who have ideas beyond their means. When they have to arrange to return a stolen fur, they realise that

their talents could be used to better effect. Under the command of the brigadier, Bee, her friend Alice and her two lodgers, Nan and Hattie, become quite accomplished fur thieves. Their activities soon lead to problems, not the least of which are overwrought nerves and a brush with the police. The action of the play passes in the living room of Dame Beatrice's flat overlooking the Albert Memorial. Their escapades delighted a very appreciative, virtually full house.

In this age of passive, electronic and celluloid entertainment—some of questionable quality—it is pleasing that a community-based and volunteer-driven amateur theatre group such as The Hills Players has continued to provide very affordable live entertainment to the public. It is staggering to think of the time, effort, work and dedication required by volunteers to put on such a production. For example, they have to make all their own props, set up the stage and dismantle it every night for the usual four nights of the production. I congratulate the director and each of the eight performers for a fine performance. I also congratulate the 10 backstage crew, two of whom were also in the cast.

QUESTIONS WITHOUT NOTICE

Members' Register of Pecuniary Interests

Mr BORBIDGE (10.30 a.m.): I refer the Premier to a recent amendment to the Members' Register of Pecuniary Interests which passed through this House in March and also to a subsequent report in the Sunday Mail which stated, "The March rule change was formulated after three Ministers failed to declare some hospitality involving last year's Rugby League Grand Final in Sydney", and I ask: can he assure the House that recent changes to the Members' Register of Pecuniary Interests were not made to cover up any failure to declare transport, including airfares, accommodation or hospitality, arising out of his attendance or the attendance of his Ministers at the NRL Grand Final in Sydney last year?

Mr BEATTIE: Let me be unequivocal, direct and absolutely clear: I am happy to give an unequivocal assurance to the House that everything we did in relation to attending the Grand Final at which the Broncos played Canterbury—I and most Queenslanders are delighted that the Broncos won—was strictly in accordance with the then guidelines and the existing guidelines. More to the point, I am aware that the Leader of the Opposition has been endeavouring to peddle the story that somewhere along the line I and perhaps others had accepted hospitality from the Broncos and returned on their flight free of charge. Had that been the case, I would have had to have declared it.

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I have never made that allegation.

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

Mr BEATTIE: Let me make it absolutely clear, there are representatives in the media in this State who know that that is absolutely not true. I was aware that this question was coming. I thank the Leader of the Opposition for his dorothy dixer. I have with me a copy of the invoice which indicates that not only did I not travel free on that flight—I did come back with the Broncos—but also it was in fact paid for.

These guidelines are about establishing proper behaviour. Let me assure the people of Queensland that in terms of accommodation and travel this Parliament has the toughest guidelines of any Parliament in Australia. Any member of this Parliament who accepts hospitality when it comes to travel, either airfares or accommodation, is required to declare it. In some States members have to incur a cost of $750, $500 or $250 before declaring it. If we accept one cent of hospitality for travel on an airline or accommodation—any of those things—we have to declare it under the tough guidelines that we have introduced into this Parliament. My Government and I expect the highest standards, and we have made sure of that by introducing these guidelines into the Parliament. These rules will apply to all members. I welcome the question from the Opposition Leader. If he has any more questions in relation to this matter, I would be delighted to respond to them.

Members' Register of Pecuniary Interests

Mr BORBIDGE: Mr Speaker, I have one more question, because it will assist the Opposition in respect of the changes that the Premier is proposing—some 12 months after I tabled the former Government's response in regard to this issue in this place.

An Opposition member: April last year.

Mr BORBIDGE: We tabled our response on 22 April last year.

Mr Fouras: How long did you take to respond?

Mr BORBIDGE: We tabled our response on 22 April last year.

Mr SPEAKER: Order! The Leader of the Opposition will ask the question.

Mr BORBIDGE: Mr Speaker, my second question——

Mr Fouras interjected.

Mr BORBIDGE: Has the honourable member finished?

Mr SPEAKER: Order! The member for Ashgrove! The Leader of the Opposition will ask his question.

Mr BORBIDGE: I refer the Premier to his attendance at the NRL Grand Final in Sydney last year and also an invitation to him to attend a number of significant social events associated with the Grand Final, and I ask: did he attend a Grand Final luncheon at the Brisbane Exhibition and Convention Centre, a harbour cruise and dinner in Sydney, a brunch function at Brighton Beach in Sydney, a sponsored box at the Grand Final and a post-match function in Brisbane? If so, did he declare this hospitality?

Mr BEATTIE: There was a question on notice in relation to this matter some time ago, to which I responded, as did one or two of my Ministers. The Leader of the Opposition is referring to a letter. Perhaps he could table it so that we can all have a look at it? He will not table it, because he wants to play silly little games. The detail that he referred to relates to an invitation that I received from the Broncos to attend a number of events, some of which I attended and some of which I did not.

Mr Elder: Did he declare his attendance at Indy last year?

Mr BEATTIE: No.

Mr Elder: And the corporate sponsorship and the corporate box and the lunch? Did he declare any of that last year?

Mr SPEAKER: Order! The Premier will answer the question.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order.

Mr BEATTIE: I have to test my memory now. In terms of a function that the Broncos held at the convention centre, if I recall correctly, yes, I did attend that. I attended that in my official capacity as Premier. That is why I attended it. Under the guidelines it is not declarable. That is the position. I attended it as the Premier and I did so under the glare of every television and radio station and newspaper in the State.

Mr Mackenroth: And about 900 other people.

Mr BEATTIE: And about 900 other people.

I am a supporter of the Broncos. They have never seen the Leader of the Opposition at one function. I make it clear that, if the Broncos are in the Grand Final, I will be attending the same function again this year. I would have no hesitation in doing that at all—absolutely none. My behaviour has been within the guidelines. I did not attend some of those events. I did not attend the harbour cruise in Sydney. There were a couple of other events that I did not attend and some that I did. I do not recall all of the details now, but I do know this: everything that I did was in accordance with the guidelines.

It is important that we have tough guidelines to protect the integrity of the members of this Parliament. The tough new guidelines that the Leader of the House introduced into the Parliament yesterday, as approved by Cabinet, ensure that the community can be absolutely confident that there is no conflict of interest and members are behaving appropriately. I remind all members of this House and other Queenslanders that any one of my Ministers who receives a gift of $100 or more has to declare it in terms of their behaviour. That is enforced by the Ministerial Services Branch. That guideline is protected and it ensures that there are no conflicts of interest. That material is available under freedom of information.

Mining Industry

Mr SULLIVAN: I refer the Premier to Opposition claims that the Queensland mining industry is stagnating, and I ask: is he aware of any evidence to support such claims?

Mr BEATTIE: The answer is that I am not aware of anything to support such nonsensical claims. As we all know, the Opposition would rather knock Queensland than acknowledge that the mining industry is growing in confidence every day. In fact, rather than stagnating, the mining industry is expanding. Let us look at just one example—the Burton coalmine in the Bowen Basin. Since opening in May 1997, that coalmine has been on a deliberate path of expansion. Next week, the Minister for Mines and Energy, Tony McGrady, and I will officially open the next stage of that mine. The new mine will have a production capacity of four million tonnes of coal a year—double the original output in just two years.

The $57m expansion involved deepening the mine, new mining equipment, coal

handling infrastructure and work force accommodation. All of this means jobs in Queensland. In fact, the increased production capacity means an estimated 70 new permanent jobs at the mine, taking the total work force to 212. As I said, this is the next stage, not the final stage of the Burton coalmine. My Government is determined that projects like the Burton coalmine get the full support that they deserve. Honourable members should compare that with the gloom and doom merchants on the other side of the House.

Mr Springborg interjected.

Mr BEATTIE: That is exactly right; exploration is another key to it all.

Our message to the mining industry is simply this: we support projects that generate jobs and wealth for this State. We encourage this industry to keep expanding. We encourage its contribution to the wealth of this State and the development of jobs.

I am also delighted that the three pieces of native title legislation that have been passed through this House have contributed significantly to removing concerns that the mining industry has about native title and what it means for development. We do, however, have a problem, and that problem rests with the Federal Government. It has not yet approved the three pieces of legislation that have been passed through this House. I just say to the Prime Minister and the Federal Government today: for Heaven's sake, get on with it.

A number of amendments are being submitted and, provided they are administrative and technical, we will put them through the Parliament and make certain that they comply because, as members would know, this legislation needs the approval of the Lower House and the Senate. But the delays have gone on for too long. It is now that the Federal Government should remove that blockage and get on with it. We want these pieces of native title legislation operating and working, because that will encourage more mining exploration in this State. The ball is in the Federal Government's court. It should remove the delays immediately so that these pieces of legislation can become law—be proclaimed—and we can get on with creating jobs.

Citizens Against Road Slaughter

Mr SPRINGBORG: I ask the Honourable the Premier: will he direct Treasury and the Department of Justice to reinstate the $75,000 provided by the previous coalition Government to Citizens Against Road Slaughter to provide counselling services to victims of road accidents and their families?

Mr BEATTIE: I am delighted to accept this question from the Deputy Leader of the Opposition in relation to the funding of victims of crime because it enables me, on behalf of the Government, to correct some misconceptions and erroneous information that was provided to radio 4BC this morning. The bottom line is this: Labor made an election promise to boost the amount of money given to support victims of crime by $1m. The coalition spent $475,000 on grants to victims of crime groups last financial year, that is, 1997-98. The Labor Budget boosted that amount to $1.475m. So honourable members can see the significant difference—an extra $1m.

Mr Springborg: What about CARS?

Mr BEATTIE: The member should not be impatient and rude; I am about to come to that.

Submissions for the extra funding closed on 22 January 1999 and the grants have recently been finalised. A letter announcing the grants was signed by the Attorney-General last week, and the Victims of Crime Association of Queensland will receive a grant of $500,000. The Victims of Crime Association will receive that grant of $500,000 under the extra funding for victim support groups announced by the Government.

It is ludicrous for the Opposition to claim that it has the interests of victims of crime at heart. This is the members of the Government that decided to slash the court ordered compensation payments to victims—even child rape victims—at the whim of the former Attorney-General. Do honourable members recall this?

An honourable member interjected.

Mr BEATTIE: Exactly right! The best that the coalition in Government could do was give $475,000 to victim support groups in Queensland. We are giving more than that to the Victims of Crime Association of Queensland alone, and that says it all.

One of the things that is important in this debate—and all of us have to remember it—is that the people who are suffering are the victims of crime, and this Government is absolutely determined not only to fund the Victims of Crime Association but also to be tough on the causes of crime. By being tough on the causes of crime——

Opposition members interjected.

Mr BEATTIE: I know that the Opposition has no interest in the victims of crime, but we do.

By being tough on the causes of crime, which is why my department is now coordinating a response by consulting the community, we can actually prevent crime from happening. We want to reduce the number of victims of crime and, therefore, assist the community. That is what is important in all of this. When the track record on this matter is examined by the people of this State, they will know without a doubt that all we have from the Opposition is more games, more whingeing, more negativity. We are putting in the money and assisting those organisations, and we will continue to do it.

Prostitution Laws

Mr PURCELL: I refer the Premier to the State Government's current review of prostitution laws, and I ask: does he support the recent police undercover operations on the streets of New Farm? Will the State Government allow street prostitution following the current review?

Mr BEATTIE: I want to make it absolutely clear that my Government supports the two operations undertaken by Queensland police in Brunswick Street, New Farm. They have the Government's full support and they have my full support. The bottom line is this: the Police Minister, Tom Barton, is continuing the consultation and examining submissions that were received from the community in relation to possible changes to the law, and the Government will be announcing its position later this year. That review process was in fact started by Russell Cooper, who was then the Police Minister, and we have continued that review.

Let me be absolutely clear about this. Whatever outcomes result from this community review, there will be no changes in terms of the legalisation or decriminalisation of street prostitution. Regardless of what comes out of this review, street prostitution will remain illegal; it will remain an offence. Those people who seek to use Brunswick Street, New Farm as a venue for prostitution offences need to understand that they will be greeted with the full force of the law. Street prostitution will remain illegal. It impinges on the quality of life and the recreational amenity of the people who live in nearby houses and nearby streets. I can say both as the Premier and as the local member that it will not be tolerated. I just say to all those clients and all those who are seeking to commit prostitution offences in Brunswick Street, New Farm that they have been warned and that they need to clearly understand that it is an offence now and it will always remain an offence.

The police undertook two major operations. In the one on 25 and 26 March, police attached to the Fortitude Valley Division of the Metropolitan North Regional Prostitution Unit conducted an operation targeting street prostitution in the Fortitude Valley Division. From 29 March to 2 April, a team of officers drawn from across the Metropolitan North Region conducted a similar operation. As a result of the two operations, 233 persons were charged with 308 offences. This included 186 clients and 24 street prostitutes charged with soliciting for the purposes of prostitution. Clients need to understand that, if they seek to solicit the services of a prostitute, they are committing an offence and, yes, they will go through the embarrassment of court; they will go through the embarrassment of being exposed for seeking to break the law. I cannot issue a clearer message than that.

I have to say that I am concerned about the number of drug-related offences which were detected during the operations regarding street soliciting offences. Everyone needs to clearly understand this: street prostitution is illegal now; it will remain illegal. It will not be allowed to disrupt the livelihoods and the quality of life of the people of this State.

Hervey Bay State School

Mr LAMING: I refer the Minister for Public Works and Minister for Housing to the recent Courier-Mail article that highlighted the events at the Hervey Bay State School, which has seen the exposure of students and Education Queensland staff to the dangerous substance asbestos on no fewer than two occasions. I ask: was Q-Build involved in these two incidents and, if so, why were existing asbestos management protocols not followed, which would have prevented the exposure of students and staff to this deadly substance?

Mr SCHWARTEN: I thank the honourable member for the question and for again exposing his ignorance on these matters in this Parliament. There were two incidents involving Q-Build at Hervey Bay. The first of these involved the removal of some trees. As I understand it, a tree collided with an awning that was made of super six fibro. There was some attendant damage as a result of that. That was fixed, as I understand it, the moment it became known. On the second occasion, some intrusions were made into the super six fibro roof by a plumber. As a result of that,

some fibres ended up on the ground and were trampled around the classroom, as I understand it.

The plumber had nothing whatsoever to do with Q-Build. He was not hired by Q-Build and was not an employee of Q-Build. That plumber was in fact hired by Kinhill under the arrangement in place in Education which was introduced by the previous Government. But the mighty Q-Build came to the fore again. Q-Build saved the day and fixed the situation after the private plumber had made such a shocking mess.

I know that the honourable shadow Minister is crooked on Q-Build. It is well known around this State that he has no time for Q-Build. Members will notice his attack on Q-Build in this place again this morning. The fact of the matter is that Q-Build has a very proud record——

Mr LAMING: Mr Speaker, I rise to a point of order. That is untrue. I find that comment offensive and I ask the Minister to withdraw it.

Mr SCHWARTEN: I withdraw it. The old glass jaw over there cannot cop the truth, but the truth is that Q-Build employees know, as I do, that the coalition was in the process of getting them out the door altogether. This morning the honourable member for Archerfield gave very good reasons for having Q-Build. The reality is that Q-Build is delivering outcomes for people such as the young man mentioned by the member for Archerfield who now has an apprenticeship as a result of Q-Build's existence in this State. While I am the Minister Q-Build will stay and it will continue to be a major provider of apprentices to the construction industry in this State.

Exports

Mr WILSON: I ask the Premier: how is the Queensland Government encouraging exports?

Mr BEATTIE: I thank the member for that question.

Opposition members interjected.

Mr BEATTIE: Isn't it just typical? The Opposition wants to be half smart about exports when exports mean jobs. This is a very valuable question. Let us be absolutely clear about it: if this State and this country do not export more, then our children and grandchildren will not have the future we want them to have. I would be delighted to take any question at any time from any member about exports, because this Government is determined to drive them as hard as we possibly can. That covers not just the mining industry; but primary industries and the industries of the future that we have been talking about, such as biotechnology and information technology—all the things we want to drive to create employment opportunities for the future. Exports mean jobs, and jobs are this Government's priority. I make no apology for that anywhere.

Mr Speaker, as you and most sensible people know, this has been the action State since we came to office 10 months ago. One of the things I enjoy is pursuing the Premier's Awards for Export Achievement, because they are a unique chance to publicly recognise the achievements of Queensland's leading exporters. This State enjoys the advantages of geographic proximity to the Asia-Pacific markets, leading edge technology and world-class freight facilities. That, combined with our talented businesspeople and talented employees who are dedicated and willing to take on a challenge, makes for a robust export market.

The Premier's export awards, now in their tenth year, are Queensland's highest recognition of export achievement. The awards promote awareness in the community of the importance of developing an export culture and of the vital role international trade plays in Queensland's economic future. A thriving export market increases job opportunities, furthers regional development, creates value adding industries and raises Queensland's standard of living. By highlighting export successes we hope to encourage more Queensland companies to expand their business horizons to the world. We want them to open the door of opportunity, take up the challenge and make a difference to their lives and to Queensland. Next week I will announce the winners of this year's Premier's export awards. I encourage all business operators, big and small, to nominate for next year's awards. Their efforts can show the world that Queensland means business and that Queensland business is in fact the best.

One of the other things that the Minister for State Development and Minister for Trade is pursuing successfully is the cadetships in our trade offices overseas, announced prior to the election. Those cadetships enable young businesspeople to develop a business culture and export to the world.

Time expired.

Hospital Budgets and Staffing

Miss SIMPSON: My question is directed to the Minister for Health. In light of the fact

that the Minister sacked Toowoomba's district health manager, the director of nursing and the director of medicine following the hospital's $7m budget blow-out, I ask: who are the other five district managers she is planning to sack, and is Dr John Menzies, the district manager of Royal Brisbane Hospital, which is $14m over Budget, one of these people?

Mrs EDMOND: No.

Chevron Gas Pipeline

Mr LUCAS: I ask the Minister for State Development, Minister for Trade and Deputy Premier whether he can update the House on any developments regarding the Papua New Guinea to Australia gas pipeline?

Mr ELDER: I thank the member for Lytton for his question. I can inform the House that since the Parliament last met there have been significant moves to bring to fruition the biggest single development of our economy in our history. They are the words of the Leader of the Opposition, and he is quite right. As I have said previously in the House, success has a thousand fathers, and the member for Surfers Paradise did not want to be the orphan on this occasion. We could see him sprinting down the platform, making a lunge for the last coupling on the last carriage so that he could be swung along on this particular project because it will be, as he says, the biggest single development of our economy in our history.

Since the House last met, a gas agreement has been completed, opening the way for customers to sign commercially binding contracts. Last week there was a further development. The oil and gas heavyweight—that is, Woodside Petroleum—invested $118m in the PNG gas pipeline proponent Oil Search. That particular placement will require the approval of the Oil Search shareholders, but it will provide Woodside with a seat on the board and 12% in that company. Without getting caught up in the detail of that particular investment, what it underscores is this: Woodside reinforces not only the strategic importance of the pipeline but gives confidence that the project will proceed. Secondly, Woodside, as an operator and a major stakeholder in the Western Australian north-west gas project, will provide the valuable expertise that is needed, with Oil Search, to make sure that the project proceeds.

Further, Australia's onshore producer, Santos, last week also declared its full support for the project. That adds further momentum to the PNG gas project. AGL, which is marketing the PNG gas for the sale, has wasted little time in getting on with putting in place the integral marketing facets that are needed to get this pipeline up and running. It has assembled a group of leading sales and marketing people to tackle this issue. All of those are aimed at getting the customers and finalising negotiations over the next few months. The team has targeted areas right through Queensland and in south-east Queensland in particular.

In short, all elements of the crucial infrastructure are coming together for a massive $5.5 billion project. That $5 billion project will be delivered with the support of those companies and with the support already of this Government, the Federal Government and the PNG Government. I say to the Leader of the Opposition: he has lunged to get in there and be part of the success. He is just a bit too late.

Queensland Health Laundries

Mr BEANLAND: My question is directed to the Minister for Health. With regard to the proposed establishment of two Queensland Health laundries on the north side and the south side of Brisbane, estimated to cost over $20m, I ask: has this amount been budgeted for and, if so, where is the amount allocated in the Budget?

Mrs EDMOND: Yes, we are looking at establishing laundries. How that is funded will be negotiated with Treasury at the appropriate time and will be taken to Cabinet at the appropriate time. We will make a decision and we will publicise it. The member may look forward to that announcement.

Gaming Review

Mr FOURAS: I refer the Treasurer to criticism levelled by the Retailers Association of Queensland at the recently announced review of gaming in this State, and I ask: why has the Government established the review, and what is the scope of its inquiries?

Mr HAMILL: When I announced some time ago that there would be a review into gambling in this State, it was received with widespread acclaim in the community. In fact, a number of members from both sides of the House went public and welcomed that development. There is a considerable degree of community concern about the spread and incidence of gambling, and particularly gaming in the community. It is high time that we, as a society, took stock of that situation and ascertained the costs and benefits of that

spread and incidence of gambling and gaming in the community.

It is with some interest, therefore, that the only discordant note that I have heard has come from the Queensland Retailers Association, which seems to believe that it has somehow been left out of the process. I want to assure retailers, large and small, that if they have any submissions that they wish to make in relation to a review into the social costs of gaming, they are welcome to make any submission that they would like to. It certainly confounds me to think that any analysis of social costs and benefits of gambling could be done without taking into consideration what other purposes people may spend their disposable income upon. And this really comes to the core of the matter.

For some time, the Retailers Association has expressed concern that the increased penetration of gaming in the community has impacted upon retailers. I can understand that point of view because, at the end of the day, retailers, the casinos, the clubs, the pubs and, indeed, any other groups that are vying for the disposable dollar of individuals are in direct competition with one another, and obviously they will have a point of view to express.

I do want to say, however, that I have given strong endorsement to some recent guidelines which have come from the Machine Gaming Commission in relation to the placement of gaming machines in shopping centres. I happen to hold the view that gaming machines should not be located in shopping centres, and I welcome the Machine Gaming Commission's recognition of that fact. I would have thought that that would be something which the retailers in this State would have welcomed, but I have heard not one word from them on that particular point.

The review—and I am happy to table the terms of reference—is wide ranging, but it is not meant to go on forever. However, it is important to ensure that we are striking an appropriate balance, in social and economic terms, with respect to gaming. I welcome submissions from the retailers. Indeed, anybody else who has a point of view can come forward and make submissions to my colleagues, my Parliamentary Secretary and the honourable members for Archerfield and Cairns, who are assisting in this regard

Time expired.

Aboriginal Street Gangs, Ipswich

Mr PAFF: I ask the Minister for Police and Corrective Services: can he indicate what course of action he intends to take or has taken to address the serious problem confronting the people of Ipswich City in relation to the lawlessness of Aboriginal street gangs against whom the Police Department appears to be powerless to act through fear of recrimination from the CJC?

Mr BARTON: I am pleased to see that the member for Ipswich West is consistent, if nothing else. As to what is occurring in Ipswich at this point in time—there is, in fact, a very, very effective partnership between the Ipswich City Council and the Queensland Police Service in Ipswich to the point at which they have signed an official partnership agreement. They are working also very closely with the ATSI personnel in Ipswich to the point at which there are more patrols. As people would be aware, we do have a permanent presence in the CBD in Ipswich near the mall. In fact, the number of offences there has decreased dramatically over the past 12 months because of that partnership between the Ipswich City Council and the Queensland Police Service in Ipswich.

I know that we had those tragic circumstances several weeks ago when a murder occurred in Ipswich. Police were able to apprehend the people who have been charged with that offence—that tragic offence—with the assistance of the ATSI elders and the ATSI community in Ipswich. So there are very positive things occurring in Ipswich. The number of offences is down. The partnership between the council and the Police Service is very strong, and it is working.

I do not know who slipped the honourable member a question that someone was going to ask me later, but the reality is also that we have increased dramatically the police numbers in the Ipswich and Goodna areas. When we came to office, the number at Goodna was 24. At this point, it is 37. There has been an increase of 13 police at the Goodna police division. In Ipswich, the number was 65. It is now 91—up 26 in that 11-month period. In the entire Ipswich district, there were 228 police. That figure is now up to 259.

Members of the Police Service are responding to what was certainly a very serious problem in Ipswich. They are working with the ATSI community. They have a partnership arrangement with the Ipswich City Council, and it has actually been successful. I am amazed that the member for Ipswich West does not have a clue about what is happening in his own area.

Taxation Reform

Mrs ATTWOOD: I refer the Treasurer to comments made by the Federal member for

Fisher, Mr Peter Slipper, in an article in the Sunshine Coast Daily last Friday wherein he states that the electorate, eight State and Territory Governments and the House of Representatives have all endorsed tax reform, and I ask: has the Queensland Government endorsed the Commonwealth's proposed tax reform package?

Mr HAMILL: The honourable member has drawn my attention to the article—in fact, a letter to the editor—that the Federal member for Fisher, Mr Slipper, submitted to the Sunshine Coast Daily wherein he makes that extraordinary statement. I want to assure the honourable member for Mount Ommaney and, indeed, all honourable members of this House that nothing has changed with respect to the Queensland Government's view of the goods and services tax since we last addressed this matter in State Parliament a few weeks ago.

Mr Borbidge interjected.

Mr HAMILL: I know that the Leader of the Opposition has consistently supported the goods and services tax. He is also the same Leader of the Opposition who supported the very unfair deal that the Prime Minister, Mr Howard, and his Treasurer, Mr Costello, were trying to perpetrate on the people of Queensland at the Premiers Conference last year. It is true that the Leader of the Opposition did not utter one word in defence of Queensland over the months that ensued from that meeting last year. In fact, there was not one word of support for the Queensland Government's position when we were going to Canberra recently, which ultimately led to a successful negotiation with the Commonwealth of a transitional arrangement should the GST come into place and should that tax be levied on the community.

I want to inform the Leader of the Opposition again, and I want to inform the Federal member for Fisher, that the Queensland Government, the New South Wales Government and the Tasmanian Government do not endorse the Federal Government's tax package.

Mr Borbidge: You signed it.

Mr HAMILL: Come in spinner! With friends like the Leader of the Opposition, the Federal Government does not need enemies. The Leader of the Opposition knows full well that what the Queensland Government, the Tasmanian Government and the New South Wales Government did was to sign a document which stated quite clearly that those Governments did not support the Federal Government's GST. But what we signed, of course, was an agreement that, should the GST be introduced, then of course we will agree to taking those funds, but only our fair share, because it involves the State giving away a number of our taxing powers.

It is about time that the Leader of the Opposition started standing up for Queensland and taking note of some of the industries which are very important in his own electorate. It was only in the Gold Coast Bulletin on 27 April that we saw the Inbound Tourism Organisation voicing its serious concerns about the incidence of a GST. It is about time that the Leader of the Opposition started looking after the interests of his constituents and the people of Queensland generally and important industries like Queensland's tourism industry. It is about time that he stood up for Queensland, and it is about time that the Federal member for Fisher started reporting the truth in his utterances, otherwise the Slipper report should be renamed the "slippery report".

Time expired.

Burleigh National Park

Mrs GAMIN: My question is directed to the Minister for Environment and Heritage and Minister for Natural Resources. I refer to the National Park on Burleigh Headland. After its reopening in January, more heavy rain again caused boulder falls and the closure of the ocean view walking track in the Burleigh National Park. It has been recommended that the track be allowed to stay open permanently after the erection of suitable warning signs indicating the danger of further boulder falls and that persons entering the track do so at their own risk.

As the track has been mostly closed for over a year and a half, and complaints continue to pour in about the closure of this access to the national park, I ask: can the Minister advise what progress has been made by the National Parks and Wildlife Service in getting this popular track permanently reopened to residents and visitors?

Mr WELFORD: I have shared the member for Burleigh's frustration over a number of years at the problems that have been experienced at the national park at Burleigh Headland, which is one of my favourite parks. It is an area where I grew up. It was my surfing stomping ground. The headland was—and still is—a fantastic gymnasium for runners and lots of people like to walk the track. It is a jump-off point for boardriders. The large steel gate on the track is open at various times, but has been mostly

closed for the past couple of years. This has been a matter of great frustration to me and to the many thousands of people who want to use that area.

Late last year I became aware of the problem of the rock falls onto the walking track. At that stage the track had been closed for some 18 months under the previous Government. I indicated to the then National Parks and Wildlife Service that the boulders should be moved and the track reopened.

There is some concern about the risk of public liability that the Government might bear should there be future land slips on the hillside, but my view remains—and I understand this view is shared by the member for Burleigh—that we should clear the track and erect signs to warn people of the potential risks. We will be able to keep an eye on the area in case of any risk of rocks slipping down the hillside. By and large, I believe the risk is minimal. In my view, the track should be cleared and available for public use. It is a great facility.

Tourism Ministers Council; Inbound Tourist Operators

Mr REEVES: My question is directed to the Minister for Tourism, Sport and Racing. I refer to the decision by the Federal Tourism Minister to cancel the 16 April meeting of State and Commonwealth Tourism Ministers in Perth and reschedule the meeting for 9 July. I ask: has Ms Kelly's decision delayed national implementation of Queensland's proposal to licence all Australian inbound tourism operators to stop foreign tourists being preyed upon by unscrupulous operators?

Mr GIBBS: This is an important issue for tourism Australiawide. The honourable member opposite who was previously Tourism Minister, Bruce Davidson, established a task force to look at the unscrupulous practices of inbound tourism operators in 1997. We on this side of the House were very supportive of Mr Davidson's actions. It was the correct action to take. Since this Government came to office that report has been completed. The task force was chaired by Mr Bob Brett of the Gold Coast. The report has revealed a number of concerns regarding blatant rip-offs that have been taking place.

In approximately November last year I met with the late Len Taylor from ITOA and gave an undertaking that this Government would act very quickly on this matter. As a consequence, I wrote to all State Ministers for Tourism urging them to support the report and the recommendations made therein. I am happy to say that I received unanimous support from all State Governments, regardless of their political allegiance.

This matter was to be the number one issue for discussion and adoption at the April meeting of State Tourism Ministers. As I reported to this House some two weeks ago, unfortunately the Federal Minister forgot to note this in her diary and the meeting was cancelled. This means that we are open to these preying vultures who will be ripping off our international visitors for a further three months until we have the meeting on 9 July.

The report confirmed that there is a substantial number of unscrupulous inbound tour operators—particularly those servicing the Korean, Japanese and other Asian markets. The business practices of those operators included demands for excessively high commissions, avoidance of businesses which did not pay those commissions and, in some cases, threats to property and persons.

The task force also confirmed that visitor experiences were being affected negatively, particularly those from emerging Asian markets where proficiency in English is generally low and a large proportion are inexperienced international travellers. On the Gold Coast we had instances of elderly women, in particular, being locked out of tour coaches for a number of hours until such time as they went in and supported a particular business so that the operator could collect a commission from the sales. This was taking place on stinking hot days and in wet weather.

That sort of business practice is repugnant and this Government aims to fix it. Action will be taken as soon as possible but, of course, it requires the unanimous support of the Tourism Ministers Council meeting, which will be held in July this year. These unscrupulous operators will be allowed to continue until that time because of the blatant negligence and lack of understanding of the issue by the Federal Minister.

Auctioneers and Agents Committee; Ms M. O'Donnell

Mr DAVIDSON: My question is directed to the Minister for Fair Trading. I refer the Minister to the $6,700 payment to the father of former Labor adviser Raelene Kelly and the Minister's continuing denials of any preferential treatment towards Ms Kelly. I ask: can the Minister inform the House if there is any substance to high level allegations that her own Director-General, Ms Marg O'Donnell, not

only spoke with Ms Kelly over the phone but actually met with Ms Kelly prior to the payment being made on 17 February? If so, what were the circumstances and reasons for that meeting?

Ms SPENCE: I welcome the question. I have not heard any of those high level allegations to which the member for Noosa has referred. I welcome another CJC inquiry into this matter because I am very confident that, as with the last CJC inquiry, this one will find that there was no wrongdoing by any party. I am hopeful that another CJC inquiry might finally convince the Opposition to leave this matter alone and stop wasting time with it. I am hopeful that it might stop the Opposition slurring the good names of the men and women who serve on the Auctioneers and Agents Committee—a committee which made this decision and a committee which was appointed by the former Government, not by me.

Mr DAVIDSON: I rise to a point of order. No member of the Opposition has ever slurred the names of members of the committee. I find the remarks of the Minister offensive and I ask that they be withdrawn. We have never slurred the names of the committee members. They are not corrupt. The Minister is the one who is corrupt in this whole affair.

Mr SPEAKER: Order! There is no need to debate the issue. There was no personal reference to anybody.

Ms SPENCE: Clearly, the Opposition is out of control. I believe that the member for Noosa is out of control. Yesterday he took a point of order and feigned indignity and told the House that he has never told this House that the committee is corrupt. However, just over an hour later the same member for Noosa hopped to his feet and made an outrageous statement that sought to impugn the integrity of the Auctioneers and Agents Committee. Clothing himself in the protection of Parliament he said—

> "It appears that Labor mates can forget about following the rules and just apply to the Minister for a refund from the fidelity fund."

That was an absolutely disgraceful statement. There we had the member for Noosa falsely implying that the Auctioneers and Agents Committee is corrupt, that it does not act without fear or favour and that it is like putty in the hands of a politician. The member even used the word "raid" when referring to people making successful claims against the fidelity fund, as if the committee lies down and opens the till to people with the right political connections. That is what the member for Noosa is inferring in this House.

How would the members of this House feel if they were hardworking decent people serving on a committee such as this and had the member for Noosa claim in this Parliament that they allowed raids on the fund, because that is what he is doing. I think that they are very serious suggestions.

Time expired.

Challinor Centre

Mr MICKEL: I ask the Minister for Families, Youth and Community Care and Minister for Disability Services: would she inform the House of the progress that she has made in relocating ex-Challinor residents as a result of the sale of Challinor to the University of Queensland?

Ms BLIGH: I thank the honourable member for the question. Before starting my answer, I acknowledge in the gallery the students of St Patrick's College at Shorncliffe, which is in the electorate of the member for Sandgate.

This saga has a long and sorry history and this morning I am very pleased to have an opportunity to put some facts on the record. In 1995, the coalition went to the electorate with an election commitment to keep the Challinor Centre open. It was a commitment that was repeated in this House in September 1996 by the then Minister, the member for Beaudesert. Less than six weeks later, the Borbidge Government sold the Challinor Centre to the University of Queensland. It did so with no consultation with residents or families. Worse than that, it did it with no planning for the long-term future of the residents of that facility.

Who made that decision? The Borbidge Cabinet made the decision. Who was a member of that Cabinet? None other than the member for Indooroopilly, the very man who yesterday came into this place and spoke with breathtaking hypocrisy on this issue. The only action that was taken by the then Government to develop any form of alternative accommodation was some activity at a site at Chuwar. New members of the House may be unaware of what a debacle that was. Let me enlighten them.

In December 1997, the Borbidge Cabinet made what can only be described as an extraordinary decision. It awarded a multimillion-dollar, 20-year contract to a group of four people called Consolidated Care Management, who had no prior experience in the care of people with an intellectual disability.

A group which was not even incorporated or registered as a company at the time was awarded a 20-year contract to construct and operate a centre at Chuwar. As everyone here knows, this deal had a stench about it from day one. It was ultimately revealed that the departmental officer in charge of the project actually lived with the director of the company. The matter was referred to the CJC and the contract was cancelled. Who signed that rotten deal? Who signed up for it?

Mr Schwarten: I wonder.

Ms BLIGH: The Executive Council minute that was distributed at that meeting in December 1997 will no doubt carry the initials "DEB" for Denver Edward Beanland: the man with the hand who signed the paper.

What did we inherit? We inherited 45 people who were facing imminent homelessness. What have we done? We have allocated housing to all of them. Many of them are so happy in their interim accommodation that they have sought to make it permanent. We said that we would construct two centres. We are constructing two centres. One of them is already under construction. We have almost allocated a site at Brisbane north for the other one.

Unlike the member for Indooroopilly, we will not accept second best for these people. We will not accept the outdated modes of accommodation that he seeks to support. It is typical of the member for Indooroopilly that he would come into this Parliament advocating a second rate option—a second rate option from a third rate shadow Minister in a no rate Opposition.

Time expired.

Environmental Protection Agency

Mr LESTER: I refer the Minister for Environment and Heritage and Minister for Natural Resources to Queensland Government Gazette No. 90, and specifically to the section titled "Senior Executive Service Vacancies" in which the position of director-general of the Environmental Protection Agency is advertised. I also refer the Minister to directive 1/99 in Queensland Government Gazette No. 91 and specifically to directives 5.5 and 5.6, which allow the Premier to appoint chief executives without using the normal selection committee process that is used to appoint all other public servants. I ask the Minister: will the vacancy in the position of director-general of the EPA be filled using the selection committee process, or is the advertisement for this position simply a guise for the use of the Premier's new unaccountable appointment method?

Mr WELFORD: As members of the Opposition may be aware, the current Director-General of the Environmental Protection Agency is Mr Barry Carbon. Mr Carbon has a long and distinguished career both in the public and private sectors in environmental management fields. He established the Environment Protection Authority in Western Australia. Subsequently, under the former Federal Labor Government, he established the Environment Protection Authority of Australia. Of course, that authority has since been closed down by the current conservative Federal Government.

I asked Mr Carbon specifically to come to Queensland to assist our Government in establishing the Environmental Protection Agency, which we are very pleased to have established now. Mr Carbon's family still resides in Western Australia. That means that ultimately he will need to return to Western Australia. He would like very much to work with our Government, but his family commitments prevent him from doing so in the long term. That is why we have advertised recently for a new director-general of the Environmental Protection Agency. The selection of the person who will fill that position in due course will be conducted fully in accordance with the normal guidelines for the filling of such positions.

Saibai Island

Ms BOYLE: I refer the Minister for Health to Queensland Health's excellent humanitarian response in helping PNG nationals at Saibai Island following flooding in their home province, and I ask: what lessons have been learned from this experience?

Mrs EDMOND: I thank the honourable member for her question and her interest. As the member for Cairns, she has a deep appreciation of the fact that Queensland is the only Australian State with an international border.

Queensland Health staff showed a wonderful humanitarian spirit in getting to Saibai Island straight away. As Health Minister, I would like to commend them—as I am sure all members in this Chamber would like to commend them—for the timely and excellent work that they did. In particular, I commend the district manager, Phillip Mills, and his team for their prompt action. They headed off what could have become a serious health problem for the whole area. Saibai Island is just a short boat ride from PNG. The member for Cook

and I have been up in that area and we know how close it is.

Mr Foley: It has just got native title.

Mrs EDMOND: As the Attorney-General reminds me, it has just got native title. Late last week, it was reported that nationals from Sigabadura village with health problems were starting to trickle into Saibai and were seeking access to aid from the very, very small community health centre on Saibai Island, where we usually have only one registered nurse and two health workers to deal with quite a small population. As a result, the district manager went over to Saibai Island with six staff from Queensland Health—a doctor, three nurses, a pathology technician and an indigenous health manager—to try to find out what was happening. Over the weekend, they treated 140 patients from Papua New Guinea with complaints such as malaria, chest infections, fevers and diarrhoea.

Queensland Health staff performed a wonderful humanitarian service to these people. On behalf of all members, I congratulate them. On Sunday, as soon as I became aware of how difficult the situation was becoming, I contacted the Minister for Defence, and members of the far-north Queensland regiment became involved in setting up temporary tent shelters on the island and also helping with food arrangements. The efforts of our defence force in times of humanitarian crisis, big and small, should also be acknowledged.

I can advise the House that by yesterday afternoon there were no reports of more PNG nationals arriving on Saibai. I understand that people from the Papua New Guinea mainland, health officials and Ausaid people were getting into the village. The situation seems to have settled down. Defence forces are pulling out and Queensland Health staff are returning to Thursday Island.

However, there are important lessons to be learned from this situation. It is a reality that Queensland shares an international border with PNG. We are their first port of call and we bear all of the expense. We cannot—and I am not suggesting that we do—turn our backs on people in need of urgent medical care. The care that we provide is first rate. However, we need to remind the Commonwealth Government that it should also be helping, that it should also be bearing the expense. The expense should not have to be borne entirely by the people of Queensland just because they live in close proximity to the Torres Strait. Communicable diseases and international relief efforts are the responsibilities of the Commonwealth Government, and it should join in and help to provide assistance.

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

PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL

Second Reading

Resumed from 24 March (see p. 731).

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (11.29 a.m.): When the Senate Standing Committee on Constitutional and Legal Affairs presented its report on the constitutional qualifications of members of Parliament in 1981, it stated, "The expression 'office of profit under the Crown' is one which is uncertain in scope and application." More recently, the Legal, Constitutional and Administrative Review Committee said that this part of our constitutional fabric was "obscure and quite possibly conflicting".

Like the Commonwealth, Queensland inserted into its fundamental laws provisions based on the law and practice of the United Kingdom, most of which dated back to the late 17th and early 18th centuries. As the Senate standing committee highlighted, at the moment the law is not clear and has been the subject of a number of reform proposals, including those of EARC and, more recently, LCARC in its interim report on the consolidation of the Queensland Constitution.

The Opposition will be supporting this Bill, but I do say to the Premier that it may have been prudent to have introduced more comprehensive reforms rather than have a piecemeal attempt. To do this, of course, it would have been necessary to wait until comprehensive constitutional reform proposals were finalised by LCARC, but I note that it has tabled its final report in the House this morning. Nevertheless, I can understand why the Premier has seen fit to jump the gun, because this is one area of our constitutional fabric that is badly in need of renovation and the proposals presented to this House appear both sensible and reasonable. However, I will be seeking certain assurances from the Premier.

In the United Kingdom, the old law that we still operate under was reformed initially in 1957 and then even more comprehensively in 1975. Yet, as I mentioned, we are still governed by laws that date back to the Act of Settlement of 1701.

The various provisions in our law relating to office of profit are designed to give effect to a number of important objectives. The first was to prevent a conflict of duty situation with members of Parliament accepting money or benefits for the holding of other offices the very nature of which would have undermined both the effectiveness of the person as a member of Parliament and as the holder of the other position. Examples often given are the position of a public servant or the holding of judicial office. The second was to prevent the Executive Government of the day controlling the Parliament by, in effect, bribing certain members by offering them lucrative part-time positions funded by the taxpayer. The last was to ensure that the Parliament and its members actually carried out their role of holding the Executive of the day accountable for its actions rather than have a situation where all or most of the House was on the Executive's payroll.

Some of the rationale for office of profit provisions has become less acute with the rise of party politics, the proliferation of a variety of other accountability mechanisms and the exposure of misdeeds by the mass media. As we all know, the old fears of a powerful Executive, which I referred to just before, have long been overtaken by the reality of party discipline. Although certain arguments for office of profit provisions may have lost some of their relevance, others are just as real today as they were centuries ago. The fact that public servants cannot sit in this Parliament and still be part-time public servants was and remains integral to the acceptance of a non-political and permanent civil service. The fact that judicial officers cannot sit in this Parliament is fundamental to the separation of powers and the public's acceptance of the independence and fairness of the judiciary.

It is also beyond question that it is undesirable that the Government of the day be in a position to offer to members of Parliament positions that attract fees and benefits, as clearly this puts the Government in a position to buy favours. In the context of current Australian politics where elections are closely fought and minority Governments are becoming more and more common, this could be a very real problem. Fortunately, we have a unicameral parliamentary system in this State and not the sort of organised mayhem that exists, say, in the New South Wales Upper House where the power to block, reject, delay or pass legislation is fundamentally in the hands of a range of fringe parties and disaffected individuals. I point out that in the New South Wales election, one member was elected to the Legislative Council representing the campers party with some 7,000 or 7,500 votes. Clearly, that is a situation of major concern.

It is all too easy to envisage how, without office of profit legislation, a Government anxious to see its legislative agenda implemented could be tempted to do deals with key independents or the leaders of fringe parties, involving some form of personal benefit to those persons or parties. Therefore, it is critical that there remain in place strong office of profit legislation that prevents action that would otherwise result in the corruption of the body politic as well as undermine true parliamentary and democratic accountability.

The Bill attempts to achieve these aims by providing—

(1) that parliamentarians can accept an office of profit provided that they waive for all legal purposes any right to profit from the office;

(2) that parliamentarians are not prohibited from accepting an office that confers no profit; and

(3) in either case, a member is entitled to appropriate out-of-pocket expenses. These are defined to include accommodation, meals, domestic air travel, taxi fares or public transport charges and motor vehicle hire. In addition, these out-of-pocket expenses must be reasonable in the circumstances.

The Bill adopts a subjective standard of care for members, with the requirement to waive any office of profit entitlement as soon as practicable after the member becomes aware of it. The first matter that I would like to speak to is the proposition that there should be no prohibition on a member of Parliament accepting an office that entails no profit. That was initially the case in this State as the 1899 Supreme Court decision of In re the Warrego Election Petition highlights. It was held by the court that parliamentarians were legally competent to accept an office if all that it conferred was a right to reimbursement of reasonable expenses.

More recently, the Senate standing committee that I referred to recommended that the Commonwealth Constitution be amended by providing, amongst other things, that a Commonwealth parliamentarian not be precluded from accepting a position on a statutory authority provided that the member receives only reimbursement of reasonable expenses. I will briefly quote certain comments of the committee, as I think that they are

relevant to the sort of problems that the office of profit provisions have caused over the years. The committee stated—

> "We have concluded that employment by a statutory authority is incompatible with membership of Parliament. There are, however, some statutory authorities where the advice and experience of a parliamentarian, as a member of the governing body, would be of great benefit, and on which the Parliament has a legitimate right to representation."

I believe that that view will be shared by almost everyone. For example, who could question the desirability of parliamentarians being represented on the governing bodies of universities and the like? It is often in the interests of the community that bodies such as those have appropriate parliamentary representation and, over the years, that representation has undoubtedly advanced the public interest.

It should also be mentioned that in its interim report LCARC proposed that office of profit be replaced with the concept of paid public appointment provided such appointments were held for reward. In the draft legislation, LCARC defined "reward" to exclude amounts paid for out-of-pocket expenses reasonably incurred. Accordingly, there seems to be widespread support for recognising that if a member of Parliament is appointed to an office and that office entails no personal benefit to the member other than the reimbursement of reasonable out-of-pocket expenses actually incurred, such a member should suffer no disadvantage for taking up the office.

The second issue is the ability of a parliamentarian to accept an office that entails a profit, but only on the condition that the member irrevocably waives for all legal purposes the entitlement to the fee or reward. The revocation must be in writing and a copy given to the Speaker. That concept goes well beyond either the current law or that which was previously in place. In the Warrego Election Petition case, the Supreme Court actually held that it is the holding of an office of profit under the Crown that is precluded and it is not necessary to go further and show that a profit was actually received. Although this is a new concept, it is a reasonable one. The harm that must be targeted is the actual receiving of a profit or a reward. If a member irrevocably waives any such entitlement and receives no benefit other than out-of-pocket expenses, in my view, the member should suffer no detriment. If no profit is obtained, no detriment should follow. If no profit is obtained and the member has ensured that none will ever eventuate, what harm is done? Once it is accepted that there should not be a blanket prohibition on a parliamentarian holding any office under the Crown provided that the member does not get a benefit, it is axiomatic that a provision such as this should be in place.

Before I conclude, I will touch on one or two issues that we, nonetheless, need to keep in mind. The Bill specifically deals with the issue of reasonable expenses actually incurred. I have already outlined how this is defined. I wish to make a few observations on this proposal. Firstly, I agree with the requirement that the expenses must be reasonable and must be actually incurred. Nevertheless, there is still an element of uncertainty inherent in these proposals. As the Premier said, members will have to be vigilant and diligent that they receive only reasonable expenses lest their future in Parliament is determined by office of profit exclusion provisions. The issue that I query is: what is reasonable? Whom will determine what is and is not reasonable? What may be reasonable to the Government of the day may be unreasonable to the Opposition and vice versa. What is reasonable to one member may be either extravagant or petty to another.

It is critical that the Members' Entitlements Handbook be examined thoroughly to provide practical guidance so that these new provisions do not become a trap to the unwary. In the spirit of bipartisanship, I suggest to the Premier that he seek the cooperation of the Auditor-General and his office in this exercise. When I was Premier, the Auditor-General and his senior officers were involved with officers of the Department of the Premier and Cabinet in the rewrite of the Ministerial Handbook, and the sage advice of the Auditor-General was very useful. A partial rewrite of the Members' Entitlements Handbook in the area of what would be reasonable and unreasonable and the type of methodology that would be adopted in forming a view in given cases would ensure that the potential problems that I have alluded to do not arise and that, if they did, the member of Parliament in question could not claim that he or she was being treated unfairly.

Secondly, I query the desirability of limiting the expenses to a small and finite list in the legislation. As we all know, in the scheme of things certain expenses may arise which are actually incurred and which are reasonable having regard to the particular office in

question. It would be more realistic and appropriate to provide the ability to add to the list by way of regulation. Obviously, if too much latitude was proposed, it could be disallowed by the House. However, that would make these provisions more flexible and relevant.

Finally, I read with interest the comments on the Bill by the Scrutiny of Legislation Committee in Alert Digest No. 4. The committee pointed out that the passage of this Bill will enhance the capacity of the Government of the day to use parliamentarians for Executive purposes and that this could have a bearing on their independence. The committee also quite correctly pointed out that a member's independence can be reduced by appointment to offices that carry no extra monetary benefits but which give greater public exposure to a member and enhance the career prospects of that member. All of that is true, but the committee noted also that these risks had to be weighed up against the benefits of having members more involved in the range of activities which these appointments concern.

The real risk that we need to focus on is the ability of a Government to buy support or favours by offering lucrative positions to members of Parliament whose vote and support it needs. However, we should not have laws in place that throw out the baby with the bathwater. There is nothing wrong in principle with members of Parliament serving on various offices under the Crown—and in fact there are many positive spin-offs—provided that a member's time on these positions does not detract from his or her duty to the Parliament and to his or her constituents.

The problem that this Bill poses is that it opens up a range of appointments to members of Parliament that currently are not allowed, and therefore some caution will have to be exercised by the Government. It would be a retrograde step if any Government started offering to members of Parliament a range of positions under the Crown and in the process limited the capacity of those members to fulfil their primary and critical obligations as members of Parliament. I seek some assurance from the Premier that the Government will not be using the enhanced appointment capacity under this Bill to widen the field of appointments for members of Parliament. I understand from my briefings that that is not the intent of the Government, but I would ask the Premier, in his response, to give that very firm and unequivocal assurance to this House.

I accept the legal reasons as to why we are progressing down this track. I accept the intent of the legislation. However, I think that members on this side of the House would have a different attitude to this Bill if it were a Bill designed for political purposes to open up the widespread appointment of members of Parliament to a whole range of Government boards and statutory bodies far beyond what has been the norm and what has been accepted in the past.

In conclusion, subject to those assurances being given by the Premier in his summing-up, the Opposition supports the Bill because it makes an area of our constitutional law which is vague and possibly contradictory more understandable and logical. Any person reading the Bill and understanding the logic of office of profit provisions could well have some reservations, especially those of the type that I have just outlined. It is incumbent on this Government and any future Government to act sensibly and appropriately. Provided that commonsense is exercised, the Bill should produce a number of positive benefits for the community. This is a long overdue reform.

Mr NUTTALL (Sandgate—ALP) (11.47 p.m.): This morning it is a pleasure to support the Parliamentary Members (Office of Profit) Amendment Bill 1999. I listened closely to the remarks of the Leader of the Opposition. Although I am not able to speak for the Premier, I am sure that the concerns of the Leader of the Opposition will be addressed by the Premier in his response.

The amendments in this Bill aim to allow members of the Parliament to better serve the people of this State. It should be understood that that is the underlying reason that this Bill is before the House today. The Bill clarifies the existing law by making it clear that MLAs may serve the community on Government bodies provided that they receive only reasonable expenses for holding an office. Later in my speech I will point out what we mean by "reasonable expenses". Again, I take on board the comments by the Leader of the Opposition in respect of what "reasonable expenses" may or may not include.

As we are well aware, as members of this Parliament we are all the servants of the people of this State. However, we are not the servants of the people in this State only in the Parliament; we are the servants of the people in respect of applying our abilities and energies in every way we can for the betterment of the State and its people. That is our main responsibility. I believe that members of this House can make considerable contributions to

their relative communities and to the State as a whole through the passage of this legislation.

On several occasions I have been invited to become involved on various boards, whether they be Government or non-Government. I must admit that I have been hesitant to take up any such offers. On not one occasion have I accepted an offer to become a member of a board, committee or council. That is for the simple reason that I was always concerned about the possibility of a conflict of interest arising. For example, were I to receive some sort of remuneration, I would be concerned that an aspersion might be cast upon my good name. I was certainly wary of that. However, at the same time I always believed that I might have something to offer. I felt that it was unfortunate that, as a member of Parliament, I was not in a position to contribute by way of any such appointments.

Mr Lucas: What is a profit to a man if he gains the world but loses his soul?

Mr NUTTALL: I take that interjection from the honourable the philosopher, the member for Lytton. As the law stands, there are serious restrictions on members of the Legislative Assembly in Queensland who wish to take up positions or perform duties on statutory boards, committees, councils or on any other Government body. Under section 7A of the Legislative Assembly Act of 1867, an appointment of a member to an office of profit under the Crown or to a position of the prescribed description may render a member's election null and void. Section 7B of that Act prescribes that, if a member transacts any business on behalf of the Crown, the question of whether the member should continue as a member of the Assembly shall be determined by a resolution of the Assembly. I understand those constraints and those difficulties, and this Bill seeks to clarify and to clear up those problems.

The effect of section 5 of the Officials in Parliament Act of 1896 requires that, to avoid the election of a member to this Chamber becoming null and void, a member to be appointed to a Government body should not be entitled to any payment. Currently, members who wish to be appointed to a statutory board, committee, council or any other Government body and wish to avoid the sanctions that are currently in place have but two options. Firstly, they can seek either one or possibly two resolutions by the Legislative Assembly plus the making of a regulation; or, secondly, an Act of Parliament could be passed requiring or expressly permitting the particular office of profit to be held by a member and for the business, service or duty to be undertaken by the member. That really says that the appointment of members to an office of profit under the Crown is currently costly, very complicated and very cumbersome. Again, as I say, this Bill seeks to clarify and clear up those problems.

Crown Law advice since the early 1990s has been that the current provisions are uncertain and are, indeed, ambiguous. In 1993 the Electoral and Administrative Review Commission considered amendments to consolidate and simplify provisions. For whatever reason, at the end of the day that commission did not reach any firm recommendations. The Legal, Constitutional and Administrative Review Committee's interim report on the consolidation of the Queensland Constitution proposed a consolidation of these and other sections of the Legislative Assembly Act of 1867 and the Officials in Parliament Act of 1896 in its proposed Parliament of Queensland Bill. So we have already had a parliamentary committee looking at the difficulties that we are currently trying to address before the Parliament this morning.

Cabinet Handbooks of successive Governments on either side of politics have acknowledged that this is an issue and a difficulty that we have needed to address. The Crown Solicitor and the Solicitor-General have given advice over a number of years on various appointments to offices of profit that were contemplated by various Governments of the day or by various members of this Parliament. The Government believes that a member of Parliament should be able to serve on statutory boards, committees, councils or other Government bodies without the need for resolutions, regulations or enactments of this Parliament. The Government is also adamant that it will retain the tough accountability measures prescribing the appointment of members to an office of profit. I think that it needs to be pointed out and to be made crystal clear that we will ensure that the accountability measures are tough. That, I suppose, is one of the reasons that they are prescribed in the legislation before the Parliament today.

These, indeed, are the objectives of this Bill. Under this Bill, members of the Legislative Assembly would receive only reasonable expenses for serving on Government bodies. As I said earlier, I wanted to outline clearly what those reasonable expenses are, and we have defined them in the Act. The reasonable expenses are things such as accommodation, meals, domestic air travel, taxi fares, public

transport charges and motor vehicle hire. Basically, we are saying that, if someone is to attend any meetings, the travel expenses would be catered for, they would be able to partake of a meal and their accommodation, if they were required to stay in a particular place overnight or over a period, would be provided in terms of this legislation and would be an acceptable form of—"payment" is probably the wrong word—reimbursement and expenses.

Members, of course, will not be entitled to fees or other rewards. For example, if a member was on some sort of committee or Government board and was invited along for a week to examine whatever the issue may be, I do not think that that would be one of those things that would be in the grey area and something that would still need to be clarified. If members were travelling by domestic air travel from point A to point B, frequent flyer points would not be able to be used. If members were showered with gifts from some sort of international body that came to visit them, again they would not be able to accept that gift.

Members will be required on appointment to waive, for legal purposes, any entitlements to a fee or any other rewards. So members would actually have to waive any rights to any type of reward in terms of their appointment. The waiver in terms of the legislation must be provided as soon as practicable after the member is aware of the entitlement and a copy given in writing to the Honourable the Speaker of this Parliament. The Bill also includes safeguards against a conflict of interest. Existing sanctions will remain should a member profit from the performance of a service or duty by receiving amounts that are more than reasonable expenses—again more safeguards.

The Bill does not profess to consolidate all the relevant provisions. Accordingly, the scheme drafted for the purpose of the parliamentary Legal, Constitutional and Administrative Review Committee's interim report on the consolidation of the Constitution has not been adopted at this particular point. Consolidation of all relevant provisions will be addressed following receipt of the committee's final report on the consolidation of the Constitution. I am unaware when that report may be provided to this Parliament.

If this Bill is passed in the Parliament today—and I am not pre-empting what may or may not happen in the debate—honourable members would need to be aware of and diligent about the fact that, if they are offered an appointment, first and foremost they must ensure that it does not affect their ability to represent their constituency and, in my view, they need to be mindful that they are not going to be often in conflict of interest with their duties as members of this Parliament. I think that that is something that we need to be mindful of. If we are offered an appointment, as members of Parliament, we need to look at the reasons behind that offer. Is it so that members could be asked to unduly influence decisions that are made in this Parliament? If so, I personally think that it would be improper of us, as members of this Parliament, to accept such an appointment.

If, however, that appointment was made solely on the basis of the person's expertise as a member of the Parliament or as the person representing the local area—their knowledge of the district and their involvement with community organisations and day-to-day happenings in the electorate—and the organisation wanted to tap into that expertise, in my view that is an entirely different matter. I think we as members of Parliament have a duty to offer that advice and contribute where we possibly can for the betterment of our community and, indeed, the State in general.

This Bill tackles a difficult and complex issue that has been around for quite some time. I believe it is worthy of due consideration by Opposition members. I hope that when honourable members sit down and read the reasoning behind the legislation they will then be prepared to support this very worthwhile Bill.

Mr SANTORO (Clayfield—LP) (12.01 p.m.): There is no doubt that the current law governing parliamentarians who are appointed to an office of profit is outdated, vague, conflicting and open to injustice. I believe that the Bill currently before the House introduces some long overdue reforms that will overcome some of these anomalies and allow members of Parliament greater scope to better serve the people of Queensland. Nevertheless, as the Leader of the Opposition pointed out, there are aspects of the Bill that should cause some concern, and it is absolutely imperative that the scope provided under this proposed legislation not be misused by this or any future Government.

Just as the current law is unfair and counterproductive, the proposed replacement legislative scheme has its own inherent drawbacks. Office of profit provisions have been the subject of various law reform proposals over the years, ranging from the Senate select committee report on the constitutional qualifications of members of Parliament to the report of the Western

Australian Law Reform Commission on disqualification for membership of Parliament—Offices of Profit Under the Crown and Government Contracts—to both EARC and LCARC.

In the case of both EARC and LCARC, reform of office of profit provisions was part of wider constitutional reform proposals, and no doubt some people would question why we are engaging in piecemeal reform at this stage. This question is especially relevant as LCARC presented its interim report on the consolidation of the Queensland Constitution only last May and there are currently a number of constitutional initiatives being discussed in the context of the referendum on the republic later this year. In addition, as the Premier has pointed out, this Bill does not even deal with all of the reforms to the law governing offices of profit recommended by LCARC, including possible amendments to the Electoral Act 1992.

It is therefore a little disappointing that, once again, we are dealing with important constitutional law reform in an ad hoc fashion. However, as much as I think approaching constitutional reform in this fashion devalues the reform process, I agree with the Premier that this is one area that does require tidying up, and for that reason I am prepared to put my reservations aside and offer qualified support to the thrust of the Bill.

The rationale for legislation which places strict limits on a member of Parliament being appointed to an office of profit under the Crown goes back to the days when the British Crown and the House of Commons were at loggerheads, resulting first in the English Civil War and the rise of Oliver Cromwell and eventually in the overthrow of James II and the constitutional settlement which saw the end of a near absolute monarchy and the rise of parliamentary government.

The Law Reform Committee of Western Australia summarised the rationale for office of profit legislation as follows: the need to limit the control or influence of the Executive over the Parliament which could otherwise exist if an undue proportion of members were office-holders; the incompatibility of certain offices with membership of Parliament—this covers not only the physical impossibility of fulfilling both the duties of the office and the duties of a member of Parliament but also the need to prevent certain offices, such as judicial and senior Public Service positions, being held by persons who as MPs would be engaging in political controversy; and the need to maintain the principle of ministerial responsibility by preventing office holders whose duties involve the making of decisions on matters of public policy and for whose decisions a Minister is ultimately responsible to Parliament, being themselves MPs.

Although the constitutional arguments that first led to office of profit legislation are now only of historical interest, it is clear that there remains an ongoing need for legislation to prevent a Government in effect buying influence in Parliament. Just as it is obvious that strong legislation is needed, it is equally clear that the current legislative provisions have long since passed their use-by date. All commentators who have looked at the current law have concluded that it is unsatisfactory, and possibly conflicting.

The Premier quite rightly pointed out that if a member is currently caught up by the law there may be a need for up to two resolutions of this House, as well as a regulation. Alternatively, it may be necessary for a special Act of Parliament to be passed permitting the particular office of profit to be held. Certainly those interested in parliamentary history can search the lists of repealed Acts and find a number of enabling statutes for both parliamentarians and judges who have been caught up by these provisions in the past.

Those of us who were members in 1990, for example, will recall that the then Premier had to move a motion that the then member for Stafford, now member for Everton, continue as a member of Parliament, notwithstanding that as a guest lecturer at the South Brisbane College of TAFE he received a fee of $21.50. I raise this incident to highlight just how trivial and inconsequential matters that raise no issues of public concern can be picked up by this area of the law. I add that the changes we are debating would not have exempted the member for Everton from that very minor indiscretion, but it is illustrative of the potential for injustice that could occur.

I agree with the Premier's contention that the combined effect of section 7 of the Legislative Assembly Act 1867 and section 5 of the Officials in Parliament Act 1896 makes the appointment of members to an office of profit complicated and cumbersome. Yet there are many who would argue that it should be difficult and cumbersome to appoint an MP to such a position because, otherwise, MPs would accept various offices of profit with the consequent possible conflicts of duty and interest, as well as a diminished capacity to represent the people they were elected by in the first place. This Bill deals with these very real and legitimate concerns by providing that

MPs can be appointed to offices under the Crown but cannot be appointed to offices of profit.

The Bill lifts the embargo on appointments to offices under the Crown where there is no profit element and allows appointment to offices of profit provided that the member by written notice irrevocably waives for all legal purposes the entitlement to any fee or reward. To deal with the obvious situation of a member facing out-of-pocket expenses, the Bill allows for reasonable expenses actually incurred with respect to accommodation, meals, domestic air travel, taxi fares or public transport charges and motor vehicle hire. I think the approach I have outlined is a fair one.

The High Court found in Sykes v. Cleary in 1992 that members of Parliament can breach the office of profit rule even if they receive no benefit. In that case it found that the taking of leave without pay by a person who held an office of profit did not alter the character of the office. The person remains the holder of the office, notwithstanding that he or she is not in receipt of pay during the period of leave. In that sense the court looked at the person as the holder of an office and deemed it irrelevant that the holder obtained no pecuniary advantage.

This decision followed an 1899 Queensland Supreme Court case, and so it is appropriate that under this Bill an MP can irrevocably waive an entitlement and by doing so avoid the sort of legal nonsense that could otherwise come to pass. The Cleary case highlighted the potential injustice of this rule, where a school teacher on long-term unpaid leave could have his election to the Federal Parliament successfully challenged on the basis that he was the holder of an office of profit under the Crown.

The obligation to waive the entitlement only arises when the MLA becomes aware of the profit element of the office and, as the Scrutiny of Legislation Committee highlights in Alert Digest No. 4, difficult cases of proof may well arise as to when a member actually became aware of the entitlement. Although this is a potential problem, I think it is fairest to activate the provision from the time the member became aware. My major concern with the Bill is that it substantially widens the scope for any Government to appoint parliamentarians to various statutory offices.

I think that the following words of the Scrutiny of Legislation Committee are worth incorporating in Hansard and need to be very carefully considered by the Government. The committee said—

> "It is clear that this Bill enhances the capacity of the Crown to use members of Parliament for executive purposes. The effect this might have on the independence of members and hence of the Parliament is reduced by the absence of any pecuniary advantage to members. However, certain Crown appointments, even without reward, are likely to be attractive to members for various reasons, in particular, the benefit of public exposure and the opportunity to demonstrate administrative skills and hence ministerial potential."

My concern is heightened from reading the Premier's second-reading speech, wherein he seems to indicate that this Bill may be used to increase the incidence of appointing MLAs to various offices. There is a very real risk that no matter how well intentioned this Bill is—and I believe that it is motivated by good motives—nonetheless, it gives far greater discretion to an incumbent administration to give jobs to those in their own party or those with whom they wish to curry favour.

We have a very tight situation in Parliament at the moment, with the Government having a majority of only one. During the last Parliament, the coalition did not even have a majority. Independents and members of other parties in Queensland, federally and in almost every State can play a critical role and even bring down a Government. In these circumstances, there will be a temptation, if the discretion is in place, to offer key parliamentarians various offices as a means of maintaining or gaining their support. Let me make myself clear. I am not suggesting that this is the case or would be the case under either this Government or the coalition. I am not trying to denigrate the motives of the Government in introducing this Bill. What I am highlighting is that this Bill substantially lowers the barriers so far as the offering to members of offices under the Crown are concerned. It enlarges the pork-barrelling armoury of Governments to a much greater extent than currently exists.

Both the Scrutiny of Legislation Committee and the Premier point out that the risks entailed in liberalising the law have to be weighed against the benefits that will flow from these reforms. The committee, for example, said—

> "While there is a risk of the Executive influencing members from both sides of the House, this must be weighed up

> against the benefits of having members more involved in the range of activities which these Crown appointments concern."

At the end of the day, this is an area where a difficult but necessary policy balancing decision needs to be made. Most of those who have looked at the matter have concluded that the benefits of liberalising the law outweigh the possible risks. It is clear that LCARC reached this conclusion, because in its Report on the Consolidation of the Queensland Constitution it recommended replacing the term "office of profit" with "paid public appointment" and would have excluded from this latter concept payments for out-of-pocket expenses reasonably incurred. Indeed, when one looks at LCARC's comments at page 10 of its report on the office of profit provisions, it becomes very clear just how unsatisfactory they are. The committee said—

> "Because the existing disqualification provisions are particularly obscure and quite possibly conflicting, the committee approached them in a less conservative manner than it had approached other areas."

Caution will need to be exercised by Government, nonetheless, to ensure that these reforms do not have the opposite result of what is intended and needed—perhaps some guidelines or a code developed to ensure that the current unlimited discretion of the Executive in appointing MLAs is not abused or transgressed.

Even if there is absolutely nothing wrong intended in appointing members to various positions, there is always the risk that a member who has many other parliamentary and constituency duties to perform could be placed in a position where his parliamentary duties suffer. I raise these points in an endeavour to assist and not with any intention of trying to secure a debating point. This is an area about which each and every one of us in this Chamber needs to be vigilant and careful, especially at the moment, when there is widespread public dissatisfaction with the political process.

I mentioned at the outset that these reforms only partially deal with all of the problems relating to office of profit situations. Anyone who has read the various legal opinions attached to the various EARC reports on this area or the full recommendations of LCARC would appreciate that these reforms go only part of the way in dealing with the current unsatisfactory state of the law. It is a little disappointing that we cannot tidy up this whole area once and for all and not leave it with the job only half done. In any event, I am pleased that some attempt has been made to put some logic into this part of our Constitution, because it currently is confused and confusing.

However, one point remains crystal clear, and that is that office of profit provisions remain relevant and essential to the proper functioning of our parliamentary system. These reforms seek to update the provisions but, as I said, open the door to possible abuses. I hope that the Premier gives some consideration, possibly in conjunction with his ethics adviser, to develop some guidelines that limit the current totally unfettered ability of a Government to appoint parliamentarians to offices. Without some guidance in place to ensure that the broad discretions we are now vesting in the Executive are not misused, there is always the possibility of the parliamentary process being tainted by an administration anxious to ingratiate itself with key parliamentarians. However, despite these reservations, and in the clear knowledge that this area of the law needs reforming, I support the Bill.

Mrs LAVARCH (Kurwongbah—ALP) (12.15 p.m.): Before I speak to this Bill, I want to make a comment about the member for Clayfield. If anyone listens to the member for Clayfield speaking in any debate, one would think that members of Parliament could only be men. I suggest to the member for Clayfield that he be conscious of that, or perhaps he should sign up to some gender awareness classes.

This Bill has a direct impact on all members of the Legislative Assembly. As outlined in the Premier's second-reading speech, a member of Parliament should be able to serve on statutory boards, committees, councils——

Mr SANTORO: I rise to a point of order.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! Is the member taking a point of order?

Mr SANTORO: I found the comments——

Mr DEPUTY SPEAKER: Order! The member has been here long enough to know——

Mr SANTORO: Mr Deputy Speaker, I take your point that I have been here long enough to know that the comments which the honourable member for Kurwongbah made were offensive in that they reflect——

Mr DEPUTY SPEAKER: Order! The member is testing the Chair's patience with his point of order. He will get to the point.

Mr SANTORO: I find offensive the comments by the honourable member for Kurwongbah in relation to my attitude in references to women in this place or outside. They do not reflect my attitude in this place or outside, and I ask her to withdraw them. She did not have the courage to take my interjection.

Mr DEPUTY SPEAKER: Order! The member for Clayfield finds the remarks offensive and asks that they be withdrawn.

Mrs LAVARCH: I was only trying to give the member for Clayfield a little friendly advice. But if he finds the remarks offensive, then I withdraw.

As outlined in the Premier's second-reading speech, a member of Parliament should be able to serve on statutory bodies, committees, councils or other Government bodies without the need for a complicated and costly series of resolutions, regulations or enactments each time a member is to be appointed to perform additional duties for or on behalf of the Crown. However, the Premier is adamant that the strict accountability measures prescribing the appointment of members to an office of profit will remain.

Accountability is a watchword for the Beattie Labor Government. After two years of backsliding under the previous Government, the Beattie Government is insisting that accountability and honesty are prime considerations in everything that it does. And the same is true of what we do as members. The overriding principle that members of Parliament do not receive patronage from the Crown continues. The same sanctions remain should a member attempt to profit by receipt of expenses in excess of what is reasonable or by failing to waive all entitlements to rewards other than reasonable expenses.

Further, the Bill provides accountability in that the waiver must be made, firstly, as soon as practicable after becoming aware of the entitlement. The waiver must be for all purposes and for all time according to law. It must be in writing. And a copy must be provided to the Speaker. This Bill also deals with the actual expenses incurred by or on behalf of the MLA, as opposed to allowances which might be open to abuse.

"Expenses" are defined in the Bill as expenses actually incurred by a member, or on behalf of a member on account of the member performing duties for the Crown. The public and the media can therefore see that the emphasis is on transparent and open accountability. These changes will help all members better serve the people of Queensland. As members of Parliament we have a duty to serve Queenslanders to the best of our ability. These changes will remove serious restrictions which have been imposed on all members of the Assembly who wish to contribute to the administration of the State by accepting positions or performing duties or services on statutory boards, committees, councils or other Government bodies.

My personal experience was that, prior to my election to this Parliament in May 1997, I was a community representative on the Redcliffe Hospital Ethics Board. My election to Parliament would have led to my automatic resignation from that board. Just to be sure, I resigned from the board at the time when I received preselection to run in the Kurwongbah by-election. My position at the Redcliffe Hospital was a voluntary community position. Members of the board did not receive refreshments unless we went to the hospital canteen and paid for them ourselves. Sometimes we might be lucky enough to have some coffee—which we made ourselves—in the small kitchen that adjoined the meeting room. The lunacy of this situation is that I can represent my community in this House but I cannot represent that same community on the hospital ethics committee at the same time.

Under section 7A of the Legislative Assembly Act 1867 an appointment of a member to an office of profit under the Crown or to a position of the prescribed description may make that member's election null and void. That means that, if I continued to serve on the ethics committee, my election to Parliament would be null and void and I would be disqualified from sitting in this House.

In addition, section 7B of that Act prescribes that if a member transacts any business on behalf of the Crown, the question of whether the member should continue as a member of the Assembly shall be determined by a resolution of the Assembly. Finally, the effect of section 5 of the Officials in Parliament Act 1896 requires that for a member to be appointed to a Government body the member is not entitled to receive any payment so as to avoid the election of the member becoming null and void. This has meant that, for a member to be appointed to a statutory board, committee, council or other Government body and avoid these sanctions, two options have been available.

The first option has involved up to two resolutions by the Legislative Assembly plus the making of a regulation. The second option has required an Act of Parliament requiring or expressly permitting the particular office of

profit to be held by a member and for the business, service or duty to be undertaken by the member. So there have been significant hurdles placed in the way of members wishing to serve their constituents. It is time for commonsense to prevail so that these hurdles are removed. However, we need strict rules to apply for the appointment of a member to an office of profit.

Members will not be entitled to fees or other rewards. Members will be required to waive irrevocably, for all legal purposes, any entitlement to a fee or other reward. For added accountability, the Bill maintains adequate safeguards against a conflict of interest between a member's duty to hold the Government of the day accountable and potential pecuniary benefit received in relation to the performance of additional duties on behalf of the Crown.

The current sanctions remain in operation should a member profit from the performance of a service or duty by receiving amounts in excess of reasonable expenses as defined, or upon becoming aware of an entitlement and not taking reasonable steps to waive such an entitlement. As a further accountability measure, if a member transgresses the office of profit provisions, the Legislative Assembly will maintain its oversight role. Members will be able to receive only amounts payable for reasonable expenses within clearly defined parameters.

This improvement to legislation follows another example of the Beattie Government's commitment to improved accountability which occurred yesterday when the Leader of the House dealt with the Members' and Related Persons' Registers of Interests. As reiterated by the Premier this morning, the guidelines for travel and accommodation are the toughest in Australia. These guidelines are in response to a review of the existing guidelines carried out by the Members' Ethics and Parliamentary Privileges Committee in 1996.

Any air, train or coach travel which is paid for by someone else, or free hotel or motel accommodation, has to be declared. Members in other States do not have to declare travel and accommodation unless it is over a certain value—$250 in New South Wales, $500 in Western Australia and $750 in South Australia. Members have to declare any gift worth more than $500, or any gift at all where there could be a perception of a conflict of interest.

The rules are even tougher for Ministers. They have to declare gifts worth $100 or more. These declarations will be entered in a register which is open to FOI applications. But trivial items, such as every lift in a car, every cup of tea or coffee, every sandwich or the entry price to a function do not have to be declared, otherwise we would spend all our time either filling in forms or being quite rude to our hosts.

If honourable members look at how the changes in disclosures in the register of interests was reported in the media they would find that it was extremely cynical and probably further entrenched public and electorate cynicism of politicians. This morning we had the Leader of the Opposition trying to ignite that cynicism by innuendo concerning matters dealing with the register of interests. The media, when it reported on the changes, jumped to the conclusion that it was all done so that honourable members could conceal any free tickets that we might get to the Olympics. What rot! Nothing could be further from the truth!

Mr Sullivan: Are they the same journalists who don't pay to go into theatres, don't pay to go into sporting grounds and don't pay to go to functions and dine off the host? Are they the same journalists?

Mrs LAVARCH: The member for Chermside is probably quite correct. They are the same journalists, and the same journalists who receive free air travel from their frequent flyer points. As I look at the way the media reported the register of interests changes, I wonder how the media will report this Bill. The title must be so tempting but, as one cannot judge a book by its cover, one cannot judge a Bill by its title. This Bill has nothing at all to do with profit. This Bill is about members of Parliament further serving their communities and the State of Queensland. I support the Bill.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (12.27 p.m.): I rise to speak to the Parliamentary Members (Office of Profit) Amendment Bill. I would like to take a few minutes to seek clarification on several issues and to comment on several other issues. Comments have been made about the positive contribution that members of Parliament could make to boards and committees. I would not dispute that for one moment. However, there are inherent risks in the proposal and those risks need to be recognised and constantly monitored.

In his second-reading speech the Premier said—

> "The combined effect of section 7 of the Legislative Assembly Act 1867 and section 5 of the Officials in Parliament Act 1896 makes the appointment of members to an office of profit under the

> Crown costly, complicated and cumbersome."

Would it not be a natural outcome of what has been described as a "cumbersome and complicated" process that, by its very nature, great care would be taken by any member pursuing this course of action and careful scrutiny of the progress of that position would be more likely to be maintained? I believe members of the community would expect that great caution and great care would be taken before any real or perceived conflict of interest would be achieved.

The Premier's second-reading speech states further—

> "The need for caution in respect of appointments of members to offices of profit under the Crown is not new."

I believe that such caution should remain. This morning, the Scrutiny of Legislation Committee's report has been quoted often and I intend to refer to it also. At point 8.3 it states—

> "The Bill does not, however, resolve all of the difficulties which arise in the interpretation of these provisions, some of which were identified in the opinion of the Crown Solicitor attached as Appendix E to EARC's Report on the Consolidation and Review of the Queensland Constitution (August 1993). A different regime is proposed by the consultation draft of the Parliament of Queensland Bill 1998 from the Legal, Constitutional and Administrative Review Committee."

Point 8.4 states—

> "The original purpose of the relevant statutory provisions was to protect members of Parliament from being influenced by the Crown in their parliamentary duties. This risk is clearly heightened if they also hold a Crown appointment or even if there is a prospect of such an appointment. These provisions were designed therefore to safeguard the independence of Parliament from being undermined by Executive manipulation of its members and thereby hinder Parliament's capacity to hold the Executive to account for the exercise of its powers. These concerns are just as relevant today in Queensland as they were last century."

In point 8.13, the report states—

> "It is clear that this bill enhances the capacity of the Crown to use members of Parliament for executive purposes. The effect this might have on the independence of members and hence of the Parliament is reduced by the absence of any pecuniary advantage to the members. However, certain Crown appointments, even without reward are likely to be attractive to members for various reasons, in particular, the benefit of public exposure and the opportunity to demonstrate administrative skills and hence ministerial potential."

The report also conveys the positives. Point 8.14 states in part that the risks—

> "... must be weighed up against the benefits of having members more involved in the range of activities which these Crown appointments concern."

I appreciate the advice that was given for this Bill from Gerard Carney.

The Leader of the Opposition has said that the removal of the holding of the office of profit will address the problems as they relate to appointments. He said that the financial benefit was the problem. I would have to say that the community and I do not see that as the only problem at all. The risk is the one that has been outlined in the Scrutiny of Legislation report, that is, not only the risk of a compromise of the independence and impartiality of the parliamentarian but also the risk of politicisation of the boards or committees.

If the intent of this amendment is merely to enhance the contribution of members of Parliament to committees, that will become self-evident. I would be interested in hearing from the Premier as to how many people in the past, using the previous regime, were appointed to these committees. How many times has that rather convoluted process been pursued? The other point that I think we will pick up over time, which will indicate the intent of this amendment and which will be evidenced by the use of the Act once it is proclaimed, is the number of appointments and the committees or boards to which these appointments are made. Although evidence is always a tragedy in hindsight, I reiterate that I believe that the intention of this Parliament in amending this Bill will be evidenced to the community by the use of the new power. I trust that it will not be a characteristic of the Parliament that the boards are politicised or that Parliament's integrity is compromised.

The other issue that I want to raise relates to statements or letters being passed on to the Speaker. I wonder who would be able to access this information and the broad distribution of the letters, information or declarations from the Speaker's office. Will this

information be accessible through FOI or will it be just a general register? In that regard, I would be interested to hear the Premier's response.

Many people have said that this is a positive move, and I have no doubt that there are many parliamentarians who have very specific skills and a broad base of experience who may be able to contribute very strongly to the boards in their areas. However, this change has quite serious and significant risks attached to it. It will require parliamentarians, and particularly the Government of the day, to be constantly vigilant to ensure that this Parliament is not compromised and that those boards are not politicised.

DISTINGUISHED VISITOR

Hon. G. Cornwell, MLA

Mr SPEAKER: Order! Before calling the member for Mundingburra, I announce the presence in the Speaker's Gallery of the Honourable Greg Cornwell, MLA, Speaker of the Australian Capital Territory Assembly.

Honourable members: Hear, hear!

PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL

Second Reading

Resumed.

Ms NELSON-CARR (Mundingburra—ALP) (12.34 p.m.): As honourable members would know and appreciate, this Bill intends to clarify the law so that MLAs may serve the community on Government bodies providing that they receive only reasonable expenses. Its aim is to remove the cumbersome process that currently must be followed before an MLA is permitted to perform these duties. The existing requirements may be discouraging MLAs from serving their community to the best of their ability.

I refer to one particular case, which dates back to 1990 and concerns the member for Everton, who conducted swimming and safety lectures at the South Brisbane College of TAFE. The member asked that payments be reserved. However, a cheque for $21.60 was subsequently forwarded to him. The member returned the cheque and held discussions with the college. Later, he received a further cheque for another $21.60. As a result, the member instigated a very time-consuming process. That is what this is all about today—trying to prevent such time-consuming processes. The member for Everton had to seek legal advice.

Mr Lucas: I bet that didn't cost $21.60.

Ms NELSON-CARR: I bet that it did not cost $21.60, either. He approached the then Premier and told him that he had received the cheque. The then Premier moved a motion in this House to the effect that the member should remain a member of the Legislative Assembly. The motion was passed. This whole process occurred because of the efforts of the member for Everton in conducting two swimming and water safety lectures—all this trouble simply for serving the community.

Mr Lucas: It just shows: you look before you leap.

Ms NELSON-CARR: That is right. You definitely look before you leap. This surely highlights the problems that exist currently and we need to resolve them. I wonder how many members have been discouraged or would be discouraged from serving their community if that is the type of outcome that they could expect. Why should not the community expect to receive the best efforts of its elected members? Why should not the community expect that their elected members would want to give its skills and energy and time? Why would not we expect that members would want to serve the community, using their expertise and credibility, without having to jump these sorts of hurdles, which are time wasting and absolutely unnecessary?

Mr Mickel: Disgraceful!

Ms NELSON-CARR: Absolutely. As we have heard, these are very significant hurdles.

The ability for members to serve the State should not be restricted unnecessarily by the ambiguities of the law. As the law stands currently, there are serious restrictions imposed on all members who wish to contribute by accepting positions on statutory boards, committees, councils or other Government bodies. That is because there is an attendant risk that their appointments or elections will become null and void. In supporting this Bill, all members will be better placed to serve the people of Queensland without the unnecessary complications.

Hon. J. FOURAS (Ashgrove—ALP) (12.38 p.m.): I am also pleased to take part in this debate on the Parliamentary Members (Office of Profit) Amendment Bill 1999. I well remember being invited to my old school, The Southport School, on the Gold Coast when I was the Speaker to address a summer school for Anglican Church ministers. I quite enjoyed it. It was a very, very warm and wonderful environment to be in.

Mr Hamill: It was an unorthodox thing for you to do.

Mr FOURAS: It was very unorthodox. However, when I left, they gave me an envelope. I thought that it was a bit of a thankyou. So I took off, left The Southport School, and at Labrador—and those members who know the Gold Coast would know that that is just a few kilometres away—I thought I had better open this envelope. Inside it was $100.

Mr Lucas: A stipend.

Mr FOURAS: Yes, a stipend. I actually burned some rubber, rushed back to The Southport School and said that I did not really think that I should take this money. I was not aware of the laws, but I thought that taking this money could be akin to the laws relating to the office of profit under the Crown. I do not think that it was, technically. Nevertheless, I was able to return the money. They gave me the luxury of recommending some charities that the money could go to. Remembering that, I think it is good that today we are clarifying a position that the legal brains say is not at all clear.

Mr Hamill: This wasn't a share of the plate?

Mr FOURAS: No, but I remember when I was at school we put threepence in the plate every Sunday. When the threepence dropped into the plate, it would clink. The idea was to make it clink and jump up, and then buy a threepenny ice-cream. It was a diminishing plate. Every Sunday, they had the economic law of diminishing returns at that school.

Mr Hamill interjected.

Mr FOURAS: I am not suggesting that I did any of that. It was a trick amongst some of my school mates. I had better return to the Bill.

Mr Mickel: I am fascinated about how old you are.

Mr FOURAS: I am not. I would quite gladly reverse our ages.

Earlier in the debate, both the Leader of the Opposition and the member for Clayfield made a large issue of the fact that the legislation may be some sort of contrived backdoor way of giving increased status to members of Parliament by allowing their appointment to boards. Of course, they meant Government members of Parliament. They implied that there was a conspiratorial tone to the legislation. That says more about the way that they think than the way people on this side of the House think. That is quite a ludicrous proposition, because the legislation will not open the floodgates on appointments of MLAs to Government bodies. The ability to appoint MLAs to such offices already exists. That is not the purpose of the legislation.

Mr Lucas interjected.

Mr FOURAS: Maybe we should pass a law to help us get the member of Clayfield to the Senate so that he can stop making those scurrilous accusations on the floor of this House.

As I said, the legislation will not open the floodgates on appointments of MLAs to Government bodies.That is not the intention of the Government. When he sums up, I am sure that the Premier will cover that point. To answer the questions of the Leader of the Opposition and the member for Clayfield, that is not the intention of the legislation. The legislation is intended to encourage the appointment to various bodies of members of the House who have expertise and who can provide substantial benefits to and perform duties on behalf of the whole community. In my view, it is a duty for members of Parliament to serve Queensland to the best of their ability.

Last night after leaving the House, I attended the meeting of a local committee that I am a member of. The meeting finished at 10.10 p.m.. I could have gone home and read a book, or whatever. However, the bottom line is that that committee believes—with some justification, I hope—that I have something to contribute. I attend those meetings as a member of Parliament because I want to give the group the benefit of the expertise that I have gained in this place. That is one of the reasons why members of Parliament are wanted to serve on committees. Why should restrictions be placed on that when the community understands that we can be very useful and provide much needed expertise?

For example, just before Christmas I was approached by a couple of teachers from my electorate who teach English in the South Brisbane area. They received funding from the Migrant Resource Centre, which was an incorporated body. That resource centre was defunded by the current Federal Government, I think with some justification. Therefore, those people were teaching without receiving any pay. They asked me what to do about it. I said that they needed to become incorporated. I told them to call a public meeting, get a constitution and go through the process under the Acts Interpretation Act. They held a meeting at a church hall in my old suburb of West End, which I attended. One of the people there said, "What are you doing back here?" I said, "As a member of Parliament, I

drive around looking for church halls with lights on because I am so willing to be appointed to committees!" As if I have nothing better to do than that. Nevertheless, the committee was formed and incorporation has been completed. The other day, I helped those teachers find new premises from which to run their program. That is indicative of the role that a member of Parliament can play.

The Bill will make it easier for members to perform their duty in the Parliament. Quite simply, the Bill makes the legal position of appointing MLAs to Government bodies much more certain. As a Government, it would have been totally irresponsible of us to be aware of that ambiguity and do nothing. As the Leader of the Opposition said, this is not the ultimate legislation. But we must bear in mind that, as other members have said, serious consequences flow from a breach of the provisions of office of profit under the Crown. To not make this position totally clear through the legislation would have been irresponsible. The current law does impose serious restrictions on MLAs who accept positions or perform duties or services on statutory boards, committees, councils or other Government bodies. However, as I have said previously, it is generally agreed among the legal profession that the restriction provisions for the appointment of members of Parliament to offices of profit are complex and ambiguous. To not clarify the position would be totally irresponsible.

In practice, the current provisions are not workable, and I will speak more about that later. There is no doubt at all that both sides of the Chamber agree on that, which is good to see. I served on one particular body that would only reach a unanimous agreement when the fees were being put up. Amazingly, we are now agreeing in the interests of serving the people rather than achieving a pecuniary advantage. We are upgrading the pecuniary interest register to enhance accountability and openness within the Parliament. However, I should not speak about it because it is the subject of a notice of motion which is before the House and which will be debated later in the week.

On the one hand, we must have a clear and accountable process relating to the conflicts of interest of members of Parliament and, at the same time, we need to make it easier for members of Parliament to do their duty by serving on statutory boards, committees and other Government bodies.

As I said earlier, it is agreed that there are ambiguous and complex restrictions placed on members of Parliament that discourage us from serving our communities. As the law stands currently, under section 7A of the Legislative Assembly Act 1867, an appointment of a member to an office of profit under the Crown to a position of the prescribed description may be null and void. That situation exists now. Section 7B of the same Act states that if a member transacts any business on behalf of the Crown, the question of whether the member should continue as a member of the Assembly shall be determined by resolution of the Assembly. We do not really want those matters determined by the Parliament.

Some time ago, a former Federal coalition Government tried to bring before the Parliament a member of the press who criticised one of its members. Historically, in particular in the Federal Parliament, political decisions have been made which attacked the right of members to serve in the Parliament. Those decisions should not be determined by a resolution of the Assembly. One side will always have the numbers and it is dangerous for members of Parliament to make such decisions. Section 5 of the Officials in Parliament Act requires that a member to be appointed to a Government body not be entitled to receive any payment in order to avoid the election of the member becoming null and void. That is what we are discussing today.

Mr Lucas: Our payment is merely to serve.

Mr FOURAS: Absolutely. We are duty-bound under this legislation.

The view of the Beattie Labor Government is that a member of Parliament should be able to serve on Government bodies without the need for a complicated and costly series of resolutions, regulations and enactments each time a member is to be appointed to perform additional duties on behalf of the Crown.

Two options are available to avoid these sanctions. One approach would involve a resolution of the Legislative Assembly in addition to the making of a regulation. Another would be to pass an Act of Parliament requiring or expressly permitting an office of profit to be held by a member and for the business, service or duty to be undertaken by the member. As has been outlined by members on both sides of the Chamber, that is a waste of the time of the Parliament and honourable members. A member's only purpose in being appointed to these bodies is to better serve Queensland. This is all about

altruism. I think it was Socrates who said that, if we are to strive for the common good and create a better society, we must remove ourselves from self-interest. The only way to make sure that a decision is made for the common good is to ensure a level of disinterest. The higher the level of disinterest, the greater the service to the common good. This legislation is not about enabling members to hold an office of profit. In accordance with the Socratic view, we are allowing members to claim only expenses incurred whilst serving on those bodies.

Mrs Lavarch interjected.

Mr FOURAS: The member for Kurwongbah made an excellent contribution earlier in this debate. The report of the Scrutiny of Legislation Committee, which is chaired by the member, should be compulsory reading.

I have been in this Parliament for some years. Indeed, this is the seventh Parliament in which I have served. In various handbooks, Governments have recognised the issue of members holding offices of profit under the Crown. However, until now nothing has been done to clear up the ambiguities and complexities in this legislation. The Beattie Government is adamant that the strict accountability measures prescribing the appointment of members to an office of profit will remain. I reiterate that a total commitment has been given by the Beattie Labor Government to the maintenance of accountability measures in respect of the appointment of members to an office of profit.

Although this Bill introduces a degree of flexibility with respect to the appointment of members to an office of profit, it will be incumbent on members to remain diligent to ensure that they receive only reasonable expenses as clearly defined. It has long been my view that people know what "reasonable" means. Ultimately, I think ethics come from the heart and soul of a person. Members have to understand that they must behave ethically and be diligent when determining what "reasonable expenses" means. A definition is given of the reasonable expenses in respect of which members can be compensated. Members who are appointed to such offices will waive their entitlements as a formality. I hope members understand that they will not be entitled to the fees that other board members may receive for their service. Again, I think members understand fully the consequences of any failure to waive their entitlements.

The Bill does not change or consolidate relevant provisions of the Constitution Act or the Electoral Act. Under this Bill, resolutions, regulations and specific enactments will no longer be required automatically on each occasion a member is to be appointed. However, as I mentioned earlier, the Bill does not detail strict rules that will apply to the appointment of a member to an office of profit. However, some things are very clear. Members will not be entitled to fees or other rewards. Members will be required to waive irrevocably for all legal purposes any entitlement to a fee or other reward. The waiver must be provided as soon as practicable after a member becomes aware of the entitlement. A copy of the waiver must be provided in writing to the Speaker, and members will be allowed to receive only amounts payable on account of reasonable expenses relating to the performance of such additional duties.

In his contribution to the debate, the member for Sandgate indicated the sorts of expenses that can be recouped under this legislation. They are defined simply as expenses actually incurred by a member or on behalf of a member of Parliament on account of the member performing duties for the Crown. This Bill will enable members to receive compensation for reasonable expenses. For example, the honourable member referred to expenses for accommodation, meals, taxi fares and other transport.

In conclusion, I am pleased to support this Bill. I am sure that, if members opposite did not look at this legislation in terms of how they might misuse it and instead accepted it in the spirit in which it has been presented to the House, there would be unanimous support for this Bill. There will be sanctions if some members of Parliament do not play the game. This Bill clarifies the law and allows us, as members of Parliament, to be appointed to Government boards. However, this does not mean that it will be open slather in respect of appointments to Government boards. The legislation will allow us to better serve Queensland. I commend the Bill to the House.

Sitting suspended from 12.58 p.m. to 1 p.m.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (2.30 p.m.), in reply: I would like to thank honourable members for their contribution to this Bill. I thank the Leader of the Opposition for his support of the policy in the Bill. The Leader of the Opposition sought my assurances that this technical change would not result in widespread appointments of members. I have subsequently discussed that matter with him briefly outside the

Chamber, and I can unreservedly give that assurance, which I now do.

Members of this Parliament know and understand that their primary duty is to represent their electorates and to foster the strength of political debate through participation in Government, Opposition or from the crossbenches. The Government recognises this primary role and will do everything it reasonably can to ensure that this Parliament and its members are effective. Part of that effectiveness is to contribute to public life in as broad a sense as possible.

The existing law limits members' ability to contribute; that is the hub of the issue. I appreciate that the Legal, Constitutional and Administrative Review Committee has taken a long time to report and that the implementation of its recommendations is also likely to take some time. There is a need for an interim measure to allow MLAs to serve the people of Queensland.

The Leader of the Opposition raised three main issues in his address. Firstly, the honourable member referred to the issue of reasonable expenses as still being uncertain. The issue of what is reasonable is clearly stated in the Bill. As I indicated in the second-reading speech, following the passage of this Bill amendments to the Members' Entitlements Handbook will clear up this uncertainty. These amendments will make it abundantly clear what is expected of members who accept the opportunity to serve the community in this way. The proposed changes and any necessary administrative arrangements will be incorporated in the amendments to the Members' Entitlements Handbook.

Secondly, the Leader of the Opposition has indicated that the list of reasonable expenses is too small and finite. We deliberately sought a finite list to enhance accountability and reduce the potential for conflicts of interest. To alter the types of expenses by regulation, as suggested by the Leader of the Opposition, might be viewed as usurping the role of Parliament, and for that reason it was avoided in the drafting of this Bill. Thirdly, in respect of the final point of the Leader of the Opposition that there was a potential for widespread appointments, I have already given assurances to the contrary.

With respect to the issues raised by the member for Gladstone, it is true that there have been few resolutions under the current legislation as to whether a member should remain a member of the Legislative Assembly, and my colleagues have referred to the example of Mr Welford in May 1990. This is no doubt a function of members' reluctance to accept positions with Government bodies due to the current uncertainty with the constitutional provisions. That is why this legislation has been necessary.

Motion agreed to.

Committee

Clauses 1 to 8, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

POLICE POWERS AND RESPONSIBILITIES AND OTHER ACTS (REGISTERS) AMENDMENT BILL

Second Reading

Resumed from 27 April (see p. 1440).

Mr HORAN (Toowoomba South—NPA) (2.36 p.m.), continuing: When I was talking last night we actually came to the 6 p.m. debate, so I had to conclude my speech at that stage. At that time I was talking about issues in relation to Ipswich, about the problems that occurred as a result of, one might say, the indecision by the Minister as to what was to happen with particular police stations. As a result of public pressure, it would now seem that the police stations at Kalbar, Harrisville and Booval will be saved. I know that the people in those areas are particularly pleased about that.

I would also like to speak a little bit about the issue in relation to the Toowoomba Police Station. I want to say that I am grateful that, having had some discussions with the Minister for Police, he has agreed that during the country Cabinet deputations in Toowoomba on Sunday, 9 May he will endeavour to arrange a meeting between the Minister for State Development, the Minister for Public Works and Housing and himself with the Mayor of Toowoomba, myself and other interested parties regarding proposed development that would take in the police station, or part of it. This development involves the Commonwealth Government selling off the post office, the Queensland Government selling off the adjacent courthouse and the Police Service selling whole or part thereof of the existing old police station and constructing a new police station on vacant land adjacent to the courthouse in Hume Street.

One of the important considerations is that the police station is a very important facility for Toowoomba. It is important that, in the construction of the new station, the police are able to obtain what is necessary for them to continue to operate from the central part of the city—to be able to have their storage, to possibly have their regional office and to be able to have their communications, garaging and so forth. That is one of my major concerns as the local member, that through this meeting we make sure that the police are very adequately catered for. Along with our hospital, the police station is one of the most important institutions, and it is important that the police have the appropriate amount of land. At the same time some very exciting proposals have been put forward by a number of organisations for an inner-city development of Toowoomba, based on the heritage style of the old courthouse, post office and possibly police station or part thereof. I thank the Police Minister for his courtesies in endeavouring to meet with that deputation on Sunday, 9 May.

Finally, I want to thank the staff of the Minister's office and the Police Service for the briefing on this Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill. They are always very helpful.

The amendments contained in the Bill are solely about the operation of the registers. It is important that these registers operate in a very functional and efficient way and that accountability is maintained. Also, in maintaining that accountability, it is important that we respect the operational needs of the Police Service, the Criminal Justice Commission and the Queensland Crime Commission and the fact that they need to operate in ways that do not destroy what they are endeavouring to achieve. The Opposition supports the Bill.

Hon. T. R. COOPER (Crows Nest—NPA) (2.40 p.m.): I wish to add a few comments to the contributions that have been made by those on both sides of the House in respect of the Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill. Mr Deputy Speaker, you and the current Minister will recall the amount of work that went into producing the police powers and responsibilities legislation. That legislation is unique.

Police especially had been waiting for legislation of that nature for a long time. It was 1982 when police first indicated that they would require certain police powers, and we finally got there. The Queensland Police Service waited for 15 or 16 years, under Governments of both political persuasions, for legislation of this type. Other States had already moved in the direction we were moving in, so it was really a case of allowing the criminals an advantage over the police, which was rather stupid. We were able to remedy that by giving police the necessary powers, to create more of a level playing field so that the police could compete with the criminals.

I will recap some of the initiatives we took. When we started the process in around 1996, a great deal of policy relating to police powers and responsibilities had been already announced, but quite a bit of detail remained to be put in place. It was decided that we should tour the State, which we did. The group included me as Minister and the then Opposition spokesman, Mr Barton. We also had on board various people from both ends of the spectrum. Terry O'Gorman, from the Council of Civil Liberties, and Bob Bottom, who is renowned as a crime buster, made a tremendous contribution, as did people from the legal wing of the police.

We toured and met with people in about 10 centres right around the State. People were invited to attend and people from all walks of life made a contribution. Some places were better attended than others, but there was a definite interest in law and order. People expressed their concerns about giving police too much power—about what might happen if we did and whether there could be checks and balances.

As it turned out, just by undertaking that community consultation I think we were able to get a lot of the bugs out of the legislation, which meant so much because we all learned as we went. There were certain things that some people were a bit concerned about, depending on their point of view. Certain issues that were going to cause some angst were the power to move on, the power to detain and the power to ask for name and address. To me, the power to ask for name and address seems perfectly sensible and reasonable, but police could not do that before. Notice to appear, instead of arrest, has worked extremely well since these laws came into being.

For many weeks we talked and argued right around the State and we learned a lot, as I said. I think we were able to refine the power to detain to a degree that was acceptable to all sides while maintaining the ability for police to actually do their job without being too cloaked in red tape. We introduced the public interest monitor. That has already been put to the test. It is there as a check and balance.

I turn to the issue of covert surveillance, listening devices and so on. We all remember the Matthew Heery case involving the Criminal Justice Commission. Mr Heery's house in Townsville was broken into. Listening devices were placed in the kitchen, I think, at first. When that was not good enough, they busted in and put them in the bedroom, bathroom, lounge room and just about everywhere else. About 1,000 hours of taping was conducted, but nothing was found. He might have passed wind at one stage; that was about the only thing of any significance that was recorded. No-one in this State or this nation considers that sort of thing to be fair play. Those sorts of things could not happen under this police powers and responsibilities legislation, thank God. They should never have happened in the first place. We learn from dreadful examples such as that.

Despite all the new police powers that we put into legislation, something needs to go wrong only once—if a police officer is overzealous or abuses those powers just once—for confidence in the whole of the legislation to fail. That is why we have to be so careful when doing something like this, and we were. We put about 18 or 20 months of painstaking effort into making sure that community consultation had been done, that submissions had been responded to and taken on board and included or rejected, right to the point of introducing legislation, with the then Opposition fully briefed all the way along. I think we were able to come up with legislation that has proven not to be a problem. In fact, many aspects of that legislation have been utilised. As I said, the notice to appear provisions have been a boon for the police, offering an alternative to arrest.

I believe that the power to move people on has been used, and I do not believe it has had any detrimental effect. We nominated about six areas to be covered by the move-on power: railway stations, schools, child-care centres, automatic teller machines, shops and licensed premises. We left the rest, if there were any more.

The local authorities had some concerns about parks, but we left that to them. I know that some of the local authorities got a bit toey with that and thought we had not gone as far as we should. I rejected that totally because, as far as I was concerned, they were abrogating their responsibilities. We gave them the power to communicate with the Minister and, if their case were good enough, he could approve the use of the power in that instance through Executive Council. That is as it should be, in my opinion. I see no reason to change that. If local authorities have particular problems in their areas which are not covered by the six areas I set out, then the door is open. They can address the problem, and so they should. It is their responsibility; we gave them that.

There were a few people who actually did the painstaking work in developing that legislation. I know that the police and those in attendance today were involved then, and they did a fantastic job. Without naming everyone—if I try to name everyone I will get into trouble for missing someone—I recognise the painstaking work that they did. They will always be remembered for that. Former assistant commissioner Frank O'Gorman was operating out of my office as a special policy adviser for these sorts of issues, be it this, the Crime Commission or whatever. This legislation, the Crime Commission legislation and many other pieces of legislation were watched over and painstakingly attended to by one Frank O'Gorman. No-one would begrudge me placing his name on the record.

I mention the registers. This is one set of amendments that needs to be considered and I am told that there will be further legislation to deal with the consolidated part of this Bill, later in the year perhaps. The register is a vital part of accountability. Matters dealt with under the legislation are placed on a register so that there is a record. I believe that is in everyone's interest—the police and the community.

There are a few issues causing concern in my own area. One of the reasons we brought in this legislation and added powers such as the power to move on was that many of us had certain areas of concern in our electorates. I know that people on the other side of the House probably would have liked to nominate certain streets in their areas that might benefit from move-on powers because they were having problems in those streets. That is understood, and those things can still be dealt with. We hoped that that would mean the end of a lot of the crime we had. Unfortunately, there is still an enormous amount of juvenile crime, whether it be in the city or the country. There is a feeling of helplessness amongst the police to be able to deal with juvenile crime. Although this Bill gives the police extra powers to deal with crime generally, juvenile crime will have to come under increasing scrutiny.

In some country towns, such as Oakey, which I mention quite often, the problem of juvenile crime just never seems to go away. It waxes and wanes. We need to be able to deal with these sorts of problems so that people

can live in peace. It annoys people that, in broad daylight, shop stealing and breaking and entering offences are continuing apace. People are becoming extremely concerned about this, because it appears to them that the police are not able to combat the problem well enough.

We must ensure that we give the police the necessary backing and support to be able to do their job and maintain the peace. But they cannot do that on their own. And if they require more powers, especially in relation to juvenile crime, so that they can identify and name, if necessary, those offenders who are well known in various communities, then so be it. Many people are becoming upset at the behaviour of some offenders which, once upon a time, would not have been tolerated. While we live in a liberal democracy, sometimes we can take that too far. Decent law-abiding citizens are entitled to be able to go about their business, day or night, in peace without being in danger, and we should be doing more to ensure that they can do that. Every one of us has a responsibility to ensure that, especially in relation to combating juvenile crime, we give the police sufficient powers to do their job.

One issue that was raised with me recently concerns the Jondaryan Police Station. As the Minister knows, it is best to knock rumours on the head as soon as they arise. It was rumoured last week that the Jondaryan Police Station may be on the verge of closure. The last thing that we want to do is close country police stations. The Minister might take that on board.

There has been an increase in police numbers at Lowood. That is good. Lowood, which is located in the Lockyer Valley, is in a high-crime area. Because of the population growth in that particular area, crime has been a major problem and always will be. But if we put in place sufficient police numbers and provide the police with the necessary expertise and facilities to do their job, we might be able to keep up with crime in that area. Police numbers in Lowood went from two to four, and I believe that they are going up to six. I understand that the new police station that the former Government had planned for that area will still proceed. The Minister might be able to give me a nod on that. It is not an expensive model.

Mr Barton: I understand that it is still in the pipeline. I would have to double-check that.

Mr COOPER: The Minister's reassurance would be appreciated, because those facilities are required right throughout that area and other areas to ensure that we stay in front of the crime statistics. However, we do appreciate the increase in police numbers.

I am pleased with the work and effort that has been put into this legislation. As all members would know, all legislation requires finetuning on a constant basis. We have to keep up with technology, and we need to be constantly reviewing police powers to keep the police in front and to maintain the peace. There has been very good cooperation amongst members on both sides of the House on this particular legislation. May that long remain the case.

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (2.54 p.m.): It is my pleasure to support this legislation before the Parliament. I believe that the very significant aspect of this legislation, as the Police Minister said in his second-reading speech, is that, from the time of its inception—the Police Powers Bill, which was brought to the Parliament by the honourable member for Crows Nest when he was Police Minister—it has received a large measure of bipartisan support. There was an opportunity for everyone to have an input in getting this legislation right. I understand that the legislation has a very long history in getting to this stage, and there is still some way to go yet in relation to bringing it to fruition and refinement.

We now have clearly defined powers for the police, and they know clearly what they can do. I believe that the community also knows what the police are able to do on their behalf. Also, the very essential checks and balances have been built into the system to make sure that the police are responsible; that they do not misuse their new powers and responsibilities. I believe that is something that the community would expect, and it is something that the community, by and large, supports.

One thing that is very apparent to me as I move around my electorate is that people are always wanting to make sure that the police have adequate powers and ability to do their job. This legislation provides that opportunity for the police to do their job in a proper way, without being unreasonably constrained. The only things that constrain them are the things about which the community might be legitimately concerned. I note that the honourable member for Crows Nest talked about a very important accountability measure which he put in place, namely, the public interest register.

I turn now to the issue of police resources in my electorate. It is all very well to say that we need proper police powers and responsibilities. There is no doubt about that. However, I believe that, to assist police to do their jobs further, we need to ensure that we have enough police out there on the streets to serve the community and to make the community feel secure. I raise in particular the issue of the Stanthorpe Police Station in my electorate, which currently has a full staff contingent. All positions have been filled: nine officers, including one officer for the CIB, and two civilians.

I would like to give members some idea of the difficulties facing police officers, and particularly those at the Stanthorpe Police Station. Prior to the opening of the new QGAP office in Stanthorpe, those officers were doing drivers licensing. On a number of occasions, I went to the Department of Transport about this matter—and I am sure that the Honourable Minister for Police would appreciate this—and said, "Hey, look, we have a big problem here. These officers are being confined a lot. They are dealing with drivers' licensing matters." Officers of the Department of Transport said, "There are really not enough people going in there to justify a QT office." I then went to the Minister for Rural Communities and said, "What about a QGAP office out there to provide a range of other services in the community as well?", and that came about. Lo and behold, after less than 12 months, there are something like four people in that QGAP office who are attending largely to drivers' licensing matters.

So that gives members some idea of the wonderful job that those police officers were doing in that community. At least there has been some freeing up of those officers. But to assist them with their new powers and responsibilities, ultimately we should be working towards making that particular police station a 24-hour station. That would ensure that those officers are able to get out onto the streets to utilise their new powers and responsibilities. My challenge is that we do that in a staged way. There are nine officers there at the moment. I understand that they would need ultimately another six or seven officers to take it to a 24-hour police station. There is a reason for this.

Stanthorpe is a major community. It services a shire of 10,000 people. It is located on a national highway, the New England Highway. There are seasonal issues as well, associated with the pickers who go through that area, and this creates problems for police at certain times of the year. People from my community are continually raising concerns about the availability of police officers early in the morning. That is not the problem of the police officers. I understand that resourcing issues are difficult. They are operational matters. However, the Government needs to consider making the Stanthorpe Police Station a 24-hour station, because there is certainly a need for it. Goondiwindi, which is 200 kilometres to the west, has a 24-hour police station even though the community that it services is not quite as large as Stanthorpe.

I think we could do this in a staged way. We could move towards having a couple of officers in a year or two and then another couple after that. We could slowly build it up to a 24-hour station. This would be greatly appreciated by this large and growing community. A 24-hour station would add to the safety and security of the community. A lot of people talk to me about this subject.

The community welcomes police powers and responsibilities and it is important that things are clearly defined. The previous Minister for Police was introducing such legislation and the current Minister will bring further amending legislation before the Parliament as the matter comes to fruition. The community must have an unambiguous understanding of what the police are able to do. People write to all members of Parliament and say, "We have heard that the police can't do this and they can't do that." Sometimes there is a misunderstanding, but often there is a significant amount of truth in the concerns raised by the community.

Legislation of this type moves a long way towards addressing those concerns. It is important that we have adequate police powers and responsibilities. It is also important that we have an adequately resourced police service. We must move towards enhancing police resources. The service provided by our law enforcement officers is something that is very much appreciated by the community.

Over the last couple of years we have seen a significant improvement in police morale as we have seen more officers come on line. We can never have enough police officers. The Police Powers and Responsibilities Act as introduced by the former Minister, and as enhanced by this legislation today, has assisted significantly in improving police morale. I ask the Minister to consider the needs and requirements of the community of Stanthorpe when he is looking at the placement of additional police officers.

Mr FELDMAN (Caboolture—ONP) (3.12 p.m.): At the beginning of this debate on

the Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill let me acknowledge that, from a previous operational police officer's perspective, the Police Powers and Responsibilities Act 1997 was a very good piece of legislation when it was introduced into this House by the previous Minister for Police, the Honourable Russell Cooper. The Act received bipartisan support.

Some very knowledgable Queensland police officers put a lot of work into this Act: Doug Smith, Greg Thomas, Peter Doyle and a retired assistant commissioner under whom I served in the Redcliffe district, Frank O'Gorman—all of whom are well respected police officers.

The Bill, which became an Act, consolidated police powers under some 90 or so Acts under which police had some form of jurisdiction into one single Act. Certain Acts such as the Transport Infrastructure Act, the Traffic Act, the Domestic Violence Act, the Juvenile Justice Act and the Drugs Misuse Act—just to name a few not covered—contained anomalies peculiar to those particular Acts which could not be addressed under this legislation.

I thank the 48th Parliament for the sanity that prevailed. The Bill was not proclaimed for a period of time, and this time was used in a very productive way to educate police. Indeed, in some small way it changed the attitude of police who were to use and make this legislation workable in the reality of the public domain. Police are creatures of habit and they become comfortable with legislation that they use over and over. New legislation is looked at and worked over by the police from every possible angle. Bad legislation—and there is plenty of it—is usually made workable within the parameters set by the legislation and police get around it in the most unusual, but always very legitimate, ways.

After all, police are called upon to react to a situation in the field quickly and responsibly. An assessment of a situation is made, a decision is reached, and the situation is resolved. If the resolution of that situation was an arrest, the police officer had to know his stuff. After all, it was going to be open to debate and conjecture in a court of law. The i's had to be dotted and the t's crossed. There was no time in the initial conflict to resort to a book or a manual. There was no time to consult with a legal team. If the officer was lucky, he may have been working with a senior partner who may have provided some insight or direction as to the way to go in the situation that came to hand. However, after the officer has made a decision, he makes an arrest or detention. Then he has to await the scrutiny of the legal teams for the defendant in the Magistrates, District or Supreme Courts.

Getting back on track a little, this is where the consolidation of those 90-odd Acts actually assisted the police. We did not have to search for jurisdiction on the right to arrest or detain to ensure the correctness of the action that we took. Once this Act came into being, the majority of the Acts were catered for right there in the legislation.

Police always had a habit of making the legislation work, and work in the right way when it was introduced and enacted. It was refreshing to see good legislation come to the aid of police for a change. Speaking of change, there was some initial resentment to the technology of audio and video when it eventually came in as one of the reforms following the Fitzgerald inquiry. Some of us, however, had already discovered the value of carrying a micro cassette around and recording the conversations of suspects and offenders.

The micro cassette was part of my armour—usually hidden in a jacket or shirt—for some time before it became vogue to carry one around. As honourable members can see, it is not easy to break the habit. It became an invaluable tool for me, and one which saved me from the frivolous complaints of many offenders on many occasions. It is an innocent enough device. Even now I feel kind of naked without it in my pocket. I can tell honourable members one thing: there is nothing like the look on someone's face when they are caught by their own words—hoist on their own petard, so to speak. It is a habit that I should break here, but when the tape has been a friend for so long it is hard to stop, especially when there are so many people who are out to get you.

Police feel somewhat isolated in society. They are the first to be called upon in any time of crisis or dilemma or at the first sign of violence. They are the first to be criticised or shunned for any action taken. Taping is a very valuable tool for all police. It has been shown over the years since Fitzgerald that all the conjecture prior to the inquiry about police verbals was very much a complete beat-up. The truth of the matter is that we see the very same solicitors, barristers and Queen's Counsel who originally wanted taping now fighting like mad to have only the audio tape of their clients—the defendants of this world—admitted as evidence. Honourable members ask: why that is so? Why only the audio and not the video? Because the very sight of the client, possibly showing off his

many tattoos, eyebrow-rings and nose-rings, as well as his bad attitude, may prejudice a jury. Give the barristers what they want and they then have to find a new way to get their clients off. Let us not worry about truth! Truth has little to do with guilt or innocence, but a lot to do with perspective.

Police dislike the guilty being found innocent, as much as we all abhor the innocent being prosecuted. As a matter of fact, Proverbs 17:15 says it far more eloquently—

> "Acquitting the guilty, and condemning the innocent—the Lord detests them both."

I always see a conflict when I hear of people evading a charge or avoiding prosecution not because they are innocent but because of a technicality.

That is the very thing that police were fearful of with regard to this Act. When the prospect arose of filling out all the registers, our minds turned immediately to the question of who would have access to the registers. Would it get to the stage of solicitors and barristers getting their clients off because of a slip-up in an incomplete register entry? We go back to American legislation which talks about the fruit of the poison tree. Once something happened, or once something was not completed, whatever was gathered from that point suddenly could not be presented in a court of law.

Let us examine what occurs when a police officer contemplates something like a raid on premises for drugs or stolen property. The officer in charge of the local CIB is advised and checks are made with internal police squads because of major crime initiatives. If the premises or the person are not under surveillance because of other crime-related matters, the raid is given the green light. A search is made of the drug register to establish whether or not a raid has been made on that particular property or on that particular person in the past 12 months. All raids previously carried out are entered in the application for a search warrant. A justice of the peace has to be located. Often it takes some time to track down a JP who is willing to put his name on the warrant. A JP is located and a search warrant is activated and completed from the dope register. The application for a search warrant and the warrant is taken to the justice of the peace and sworn. The application is retained by the JP and the warrant is signed by the JP. This occurs before the police even get to go to where they are supposed to go.

The raid is then organised. Sometimes up to four police have to be involved now because, if there is a video machine available, the police take the video machine. They also take a field tape-recorder and a micro cassette is used. The premises of the raid are then attended. The householder is advised of their rights during the raid. The police are identified to the householder and the occupants. An explanation is given for the raid. A warrant is shown to the householder and the expectations of the police are explained. The householder's notice is given to the occupant or the suspects who are detained. Their names and details are taken.

The premises then have to be searched in the presence of the suspects or the offenders. A log of the raid is then taken. The property is then listed on a running sheet. A field property receipt is issued for any property that is located or seized by police at the time. When the suspect is detained and taken back for an interview, this person is in police custody. So a custody register entry must be completed. Suspects are then taken to a police station for a formal interview utilising audio or video equipment. Following the interview, the suspect is given a copy of the audio tape of his interview. This is given following the details of the interview or the refusal to be interviewed being entered into the Queensland police computer system in the tapes index register. If on the prima facie evidence an offence exists, police will arrest and then charge a suspect with an offence at the watch-house. The charges are then typed into a computer and the suspect is arrested for an offence.

When the offender is charged at the watch-house, a custody register then has to be completed. Police cannot put somebody in custody without the register being completed. This is where the fun begins with the registers and the lengthy computer trail commences so that the police have a record of whether they have completed all of these tasks, dotted their i's and crossed their t's. Firstly, the police officer must ring up the Police Service data entry section and dictate a crime report over the phone. That is to satisfy sufficient entries in the crime management system. The CRISP system, the crime register, generates a crime number so that the police may use it to process the prisoner in the watch-house. Secondly, the entering of this report by the data entry section will generate, if the computer is online and working, a drug register number. That is required for the property register. A property register form must be completed with a copy of the official notebook

entry of the seized property. The property register must be completed and the property lodged with the property officer. The only way that the property can be lodged properly is if all the register entries have been completed—the CRISP register, the drug register, the tapes register, the search register, the custody register and the domestic violence register, if required.

The search register must be completed and the warrant returned to the issuing justice of the peace with an endorsement as to the time, place and person on whom the warrant was executed and the property located. The justice of the peace will then endorse the warrant to have the property stored at the relevant police station for the first 28-day period. This process leaves the police officer not only with the court brief to complete for the court date but also he has to make an application to the court to retain possession of the property in the locked and secured property office at the police station, especially as the Act demands that the police release property in less than 28 days or make another such application to the court. The property seized is now the subject of reports and it needs a corresponding register number.

As members can understand, all this computer work—if the station has sufficient computers—is what used to be the paperwork. However, it is now more complicated. It takes up a great deal of police time. One simple arrest following a raid can take a police officer all day to complete, depending on the availability of computers, other police to assist, transport and the other scant resources that should be available to police. All of these registers are part of the risk management assessment practices of police stations. They must be filled out and a lot of the computer applications have been written to ensure that one cannot be issued without the other.

The general public wonders where the police are. I can tell them that they are usually sitting behind a desk typing on a computer. The police officers are tied to computers and only they can competently enter the details of the arrest into the computers because their livelihood will be challenged if the registers are not completed effectively. We will be seeing even fewer police over the next few months as they all frantically comply with instructions given from above and get their recreation leave down to the required level. Some of these officers have accrued over 400 hours of recreation leave. The instructions from the assistant commissioner are that he wants recreation leave down to 228 hours per officer as a minimum. The senior officers need this minimum requirement, because they have contingency plans already in place should the Y2K bug be a reality. We have the turn of the millennium on 31 December 1999, with the expectation that there will be large crowds of people that will need monitoring, and this need for greater police will continue on to the Olympic Games. The police are making contingency plans for those Games and for those teams who are coming out here, especially those who are coming to Queensland to practise.

The Bill intends to enhance the administrative responsibilities relating to the recording of information in registers. The delegation of powers and responsibilities relating to the registers, as to who is responsible for maintaining the registers and which register is to contain the information, is also accounted for. The Bill also clarifies the responsibilities relating to the provisions of access to those registers and where people are entitled to be advised of certain information contained in them. For example, if a person is under police arrest, certain information may—and I like the word "may"—be disclosed to a person's friend, relative or lawyer in relation to the arrest.

According to the speech made yesterday by Mr Horan in relation to this Bill, the requirements relating to the registers will be expressed in clear terms instead of implied terms as they existed previously. The intended links between the recording obligations and the disclosure obligations of the registers will be clearer. The chief executive officers of the QPS, the CJC and QCC will have greater discretion about the way in which their registers are kept. In light of those comments, I support the objectives of this Bill, especially if they will improve the effectiveness of investigative operations and reduce the time that police officers spend on computers rather than on the job, because at the end of the day police are judged by how much time they spend on the job, not by how much time they spend in their offices or on their computers.

Although this legislation will make things a lot clearer for police in terms of their accountability and responsibilities relating to the registers, I stress my concern that the QPS does not fall in line with the American system of the fruit of the poison tree. I just hope that these things will not cause police to lose court cases.

Finally, with reference to the question that was asked yesterday by Mr Horan about the entitlement of inspecting the register of covert acts being extended to the Parliamentary

Commissioner, I, too, ask the Minister if he would give a clear indication as to where in the Bill this entitlement is expressed. In closing, I again say that, all in all, the police look to this Parliament and to good legislation and I, too, like them, pray that this Bill becomes good legislation and that these amendments do not cause the police angst as previous legislation has done. Again, I thank the Minister and support this Bill.

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (3.17 p.m.), in reply, I will begin by referring to the final contribution and go on to the contribution of the shadow Minister. I certainly thank the member for Caboolture for his indication of One Nation's support for this amendment Bill. Very clearly, the Act is being amended to improve the activities with regard to registers. They are very straightforward but necessary changes. I thank the member for Caboolture for his indication of support for this Bill.

However, I would like to make one other comment about his contribution. The member went through the steps that have to be taken by police in the field. I stress that when the original legislation was introduced in 1997 by my predecessor, the member for Crows Nest, it was accepted that with greater powers comes greater accountability. The title of the Act reflects that: it is the Police Powers and Responsibilities Act 1997. With greater powers, it is absolutely essential that there be greater accountability and that greater responsibility will be accepted, but on the basis that we do not cripple the capacity of police officers in the field to be able to do their job. That is something that the previous Minister, the member for Crows Nest, was very, very conscious of, as I was as the then shadow Minister, and I am still very conscious of that today. It is my belief that these amendments before us today will also make it easier for police in the field to be able to carry out their responsibilities. As virtually everybody has said, when the original legislation was introduced, as the shadow Minister I knew, as did the then Minister, the member for Crows Nest, that through experience with this very far-reaching legislation, which facilitated massive change in the Police Service, there would need to be some adjustments on the way through. Experience has shown the need for that adjustment.

That is what this Bill is all about. It is similar to what happened with a Bill that I introduced to the Parliament some weeks ago, which clarified the powers of police when arresting juveniles. I have no doubt that the member for Crows Nest believed that those powers were clear when the Act was passed in October 1997, but experience showed that there was a grey area that we clarified. As the member for Crows Nest said today, the issue of juvenile crime is foremost in the community's mind and it is essential that we ensure that the police have the tools to effectively address that problem. However, we must also take into account the need for greater parental responsibility in many cases. We cannot leave the raising of children to the educators, the police and the social workers. We all have a part to play, but parental responsibility is extremely important.

I thank the member for Warwick for his contribution to the debate. As he said, the Act resulted from a great deal of bipartisan activity that occurred over many years, not just during the consultation process that took place during the coalition's period in Government but going back to 1990 when the CJC started its investigations into police powers. It ultimately brought down five reports on police powers and a separate report on telephone interception and electronic surveillance, which was very much a part of the lead-in to the 1997 Act that we are amending today.

I note the comments of the member for Warwick in relation to his electorate. I am pleased to hear that, like most of our police stations, the Stanthorpe Police Station is up to speed in terms of staff levels. In the main, shortfalls occur simply because of the process of calling for applications to fill vacancies. That is something that the member for Crows Nest is very familiar with, as I am. I agree with the member for Warwick that in areas such as Stanthorpe it is desirable that stations are progressively upgraded to 24-hour stations. As additional police come on line, the operational people will look to areas such as Stanthorpe. As more police are provided through the academies and through this Government's commitment to ensuring that more and more police are made available, I have no doubt that the assistant commissioner for the southern region will have the capacity to put more police into Stanthorpe if it is his and his management team's belief that that is where they can be best utilised. This morning in answer to a question without notice I said that we have already upped the ante very greatly in the Ipswich area of the southern region. I have no doubt that as the southern region receives more and more graduates, we will be able to increase police numbers at stations such as Stanthorpe.

I thank my predecessor, the member for Crows Nest, who gave a very good outline of the work that was undertaken to enact the 1997 Act. I thank him and Frank O'Gorman, who was working with him, for the level of consultation that they provided to me at that time. I must admit that there were a few occasions when Frank briefed me and I thought, "Jeez! I wonder if Russell knows that Frank is going this far in letting me know where it is at." The proof of the pudding is in the eating, and we reached a position where there was a great deal of cooperation between the then Opposition—the current Government—and my predecessor. As a result, very effective legislation was enacted, although it needs some adjustment.

As the member for Crows Nest has raised the point, I take this opportunity to talk about the move-on powers. The shadow Minister has already had a chop at me in the Parliament about those move-on powers. The reality is that the local authorities have been a little recalcitrant in their consultation processes. When I became the Minister, the issue was out for consultation with local authorities. They were a bit tardy in getting back to me. Frankly, when they did come back the only polite way to put it is that they were not prepared to accept their responsibilities. They had gone back to where they had been at the time of the drafting of the Bill. They wanted the Minister of the day to take the decision, because they did not want to dirty their hands by having to undertake consultation with their own communities. They did not want to do the hard work involved in consultation and they did not want to take a position. They wanted the Minister of the day to declare which areas would be notified areas.

We took on board their views and had a chat to them. We suggested that they look at the issue again. At the end of the day they basically said, "About half of our local authorities like what you are trying to do and about half do not, so we do not want to take a position." We then drafted a regulation which, at this point in time, has been sent to all local authorities throughout Queensland for comment. I do not recall the exact date that those comments are due back, but it must be very soon because it is my intention to have a regulation in place by the end of June. The local authorities may not want to play ball, but I am afraid that they will have to. They have to be a part of the process of consulting with their own communities and identifying very tightly the areas that they want determined as notified areas. They have to come back to me as the Minister with recommendations and reasons for why they want those areas declared notified areas. I do not believe that we can simply give everything a tick and flick, because some local authorities have already demonstrated that they would have their entire community declared a notified area, which was not the intention of the original legislation, although most members would agree that some areas will be covered by that regulation and it is very desirable that they are declared notified areas.

We are continuing to work on the consolidation of police powers in the 500 or 600 other Acts of the Parliament that involve police powers. It is still my intention to have that legislation before the Parliament by the end of this year. The reference group, which is chaired by Sir Bruce Watson, is still meeting regularly to oversee and consult with the community on that consolidation. That process was started by my predecessor and has continued for the past 10 months. This is not an easy process and it cannot be a quick process, simply because of the massive amount of consultation that is needed.

Although this may not relate to the Bill directly, I shall respond to some comments that have been made. With regard to the Jondaryan Police Station, all I can say to the member for Crows Nest is that rumours are running everywhere. It is not the case, as was insinuated in question time this morning by the shadow Minister, that I am making decisions without doing any consultation and then doing backflips. This is the first that I have heard of any plan to close the Jondaryan station. I must say that my objective is to improve police services; it is not to shut police stations, whether they be at Jondaryan, Kalbar, Harrisville, Booval or any other location. If there is to be any closure of police stations, it will only be where new stations are coming on board or where a reorganisation of responsibilities by the operational people, after approval from me, will see an improvement in police services to those areas. It is not our intention to downgrade those services. As police numbers increase, we intend to improve services; we do not intend to close existing stations unless we have better alternatives.

I thank the member for Crows Nest for raising the issue, but I scotch that rumour. I have seen nothing about the closure of the Jondaryan station and it is not my intention to close it. If anybody believes that, they can read this speech in Hansard, put the idea back in the box and bury the box, as can the people who were talking about the closure of the Kalbar, Harrisville and Booval police stations.

Certainly it is my understanding that the operational team in the southern region were doing a study of alternatives. They consulted with one of the major stakeholders, but they had no confidence in what was only a discussion paper that had not even been to me or my office. That paper raised the possibility of some closures or changes at those stations, particularly the Booval station, which is only some hundreds of metres from the new Police Beat that I officially opened last week. In terms of Kalbar and Harrisville, the new Yamanto police district headquarters is being opened.

Some investigating was carried out into whether it would be appropriate to change around some resources. I make the point—and the Police Service has made this point very clear to me—that that investigation was being conducted internally. It should not have been made public. At the end of the day, the Police Service will not get my approval to close any station, particularly Kalbar. Over the past couple of years, I have seen how that community has reacted to defend its police officer. My name is Tom, not "Stupid". I certainly will not be approving any closure of Kalbar station, and I cannot see that I will be approving any closures of other stations or activities unless, following consultation, communities are on side and unless that would result in an improvement to police services in those areas.

I found offensive some of the shadow Minister's comments about backflips and abysmal planning. That was not appropriate in today's debate. That would be more appropriate in question time, and in the future I will be perfectly happy to put some of that back on the shadow Minister. There are no proposals such as those that have been suggested. There will be no backflips. The Treasurer, the member for Ipswich, first learnt of this issue at around the same time as I did, when we were going through our news clippings. The major stakeholder group that was consulted informally by the assistant commissioner will not be consulted again if it is going to go public about internal exercises. However, in one sense I am very happy that it did that, because I want to scotch the rumour very clearly right now. There will not be any closures at Kalbar, Harrisville or, for that matter, even the Booval station, in spite of the fact that it is perhaps no longer needed because of its proximity to a Police Beat shopfront.

This Government's policy—and my very strong policy before and following the election—is that, as additional police resources become available and we are able to put in place Police Beats and shopfronts, those services will be additional to existing police resources. I wish to make it very clear that that edict sticks. I thank the member for Crows Nest for his contribution, because it has been very helpful in putting into context the current legislation and the necessity for this change.

A few other comments probably need to be made. In respect of Thursday Island, an article in today's newspaper refers to a report that is over a year old. Based on that report, the shadow Minister has been saying publicly that we are presiding over reduced and inadequate police numbers on Thursday Island. The report is 12 months old and relates to police numbers that existed during the coalition's period in Government. The numbers that I quoted in this Parliament in answer to a question on notice are the correct numbers. I have not misled the Parliament. That the shadow Minister raised this issue in the media this afternoon demonstrates very clearly that the Labor Government has got the numbers at Thursday Island and Torres Strait up to speed. When the member opposite was a senior Minister in the former coalition Government, the numbers were down. If he wishes to continue to lead with his chin, he should go ahead and do so, because I will be happy to hit it. Those numbers are right up to speed. The shadow Minister is accusing me publicly of misleading the Parliament. He will be brought to task every time he does so.

Mr Horan interjected.

Mr BARTON: The member will have to get up a bit earlier. He has not even started yet. He should keep asking me questions in question time; I love it. I wish to make it very clear that, under this Government, there will be no backflips, abysmal planning or amateurism. It does the shadow Minister no credit in a debate on a Bill such as this, with which we all agree, to take cheap shots such as that. To the extent that the shadow Minister keeps taking cheap shots, I will keep hitting him on the chin.

Mr Horan interjected.

Mr BARTON: The member for Toowoomba South has had his opportunity. He now has his answers. I will return to the substance of the Bill, because that is what we are really about, not giving the shadow Minister an opportunity to try to take cheap shots.

This Bill changes the existing legislation, because its operation over the past 12 months has demonstrated that it needed to be

adjusted. The registers are a very important part of the scrutiny of those operations, whether it be the Police Service, the Crime Commission, the CJC or the NCA, which is a partner. It is very important that they be effective. Experience has shown that there were some weaknesses in the way in which the legislation was put together originally and which needed adjustment. This Bill provides for that adjustment. It will make it much better for the operational police in the field. In effect, it provides additional safeguards, particularly for those people within those services who may not want to play tightly by the rules. That is why it is very important that these changes to the register provisions go through. There are certainly still adequate safeguards.

Both the shadow Minister and the member for Caboolture asked me to clarify the role of the Parliamentary Commissioner. They will find those provisions in clause 14, which is on page 13. The Parliamentary Commissioner may inspect the CJC's register and the Crime Commission's register. That is not an aspect of the Police Service's register on the previous page—page 12—because the CJC may inspect the Police Service's register. That is appropriate, because the CJC has a monitoring and overview role of the Queensland Police Service. In relation to the changes as to how and who can look at the registers for the CJC and the Crime Commission, the Parliamentary Commissioner has been added as an appropriate authority who can inspect those registers. That is where the provisions are located in the Bill.

I probably should make some comment about the report of the Scrutiny of Legislation Committee, but I will not go into it in any great detail. The Scrutiny of Legislation Committee has been able not only to look at the Bill in detail and report to the Parliament; it has also done so in a time frame that has allowed me to report back my comments to the committee and for those to be published and referred back to the Parliament. I think it is fair to say that I have not totally convinced the Scrutiny of Legislation Committee that there is not an element of retrospectivity in terms of these amendments to the register provisions. However, it is still my very firm belief and also that of my advisers that we are not including retrospective activity. The Scrutiny of Legislation Committee has not been totally convinced. I put it to the Parliament that this change is necessary for the integrity of these registers. It is my belief that we are not in effect putting in place retrospective legislation, because we are not taking away rights that people had up till now. However, we are changing future accessibility to the registers.

I ask the Parliament to accept the explanation that has been given to the committee and published, because it is absolutely necessary for the operation of the registers and the integrity of the information on the registers, particularly when we are dealing not with someone who has had a straightforward search warrant served on them or had the operational register added to, but with the people who are in organised crime, or on the few occasions when a police officer might go bad on us and could look at information that might help that person to continue with those activities or pass on that information to others. That is the long and the short of it. Although we do not get many of them, we do get the odd one. It is very important that the integrity of the registers be maintained. In reality, the Police Service, the Crime Commission, the CJC and the National Crime Authority have been maintaining their own registers, anyway. We are authorising them to take that action. They have done that for the correct operational reasons.

Initially it was our intention to provide that the NCA had to keep such a register. Constitutionally, we are unable to demand that of the NCA, but we have received a letter from the National Crime Authority to the effect that it is honouring the spirit of what we seek to do to the extent that it taps State powers. It will maintain its own register and, by agreement, it will allow people to access it appropriately.

I think that is probably all that I need to say at this point, other than to commend this legislation to the House. It is necessary legislation. It is one of the more important and potentially controversial aspects of the Police Powers and Responsibilities Act. This is not major reform; it is an adjustment based on the operational experience of those four services during the 12 months and a bit that the Act has been in force in this State. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) in charge of the Bill.

Clauses 1 to 7, as read, agreed to.

Clause 8—

Mr HORAN (3.41 p.m.): I just ask the Minister if he could give us an explanation on

clause 8, which inserts new subsection (2A). It says—

"Subsection (2)(b) applies only to—

(a) information kept in a register that the police officer may inspect; and

(b) information the officer otherwise actually knows."

Can the Minister just explain to the Chamber what is actually meant by that, particularly proposed subsection (2)(b)?

Mr BARTON: When one goes back and reads how that interacts with the existing Act, one sees that it effectively means that from here on in each agency will be keeping its own register. There has theoretically been a single register up till now that everybody could access. In fact, this is probably the heart of the Bill. From here on in this means that each agency can keep its own register and that that register will only be available generally to officers of that agency. For security purposes, it will not allow people to, in a general sense, inspect the registers kept by the other agencies.

Mr HORAN: I refer to the line, "information the officer otherwise actually knows". I understand that the Minister is referring to a register that he may inspect.

Mr BARTON: I thought it would be best to clarify it. It means that in those circumstances there are some officers who actually know from operational involvement aspects of that information that is to be held. It means that in those circumstances they do have to disclose that information. They cannot sit there and play mum and pretend that they do not know. If they know, they are required to divulge it.

Clause 8, as read, agreed to.

Clauses 9 and 10, as read, agreed to.

Clause 11—

Mr HORAN (3.45 p.m.): This particular clause is about the provision of information relating to a person in custody. In the principal Act as it currently stands, section 100 provides that if a friend or a relative or a solicitor inquires about persons picked up by police, they have to let them know where they are. The intention of this Bill is to have separate registers so that the police cannot access the CJC register or the QCC register.

If the aim of section 100 was reasonably to ensure that the person with the police is registered and can be found by an inquiring person, we now have the potential for an inquiry to be made and the police themselves may not know because the person may have been picked up for whatever reason by police officers working with the CJC or with the QCC. So how do those people find out where their relation or client is under this particular scheme? I might just make it a bit clearer, because I am trying to understand it myself as well. Say the QCC picks up someone, how does the family or friend find out where they are? If they ring the police, the police would not know that they have been picked up by the QCC. They would not necessarily know, would they?

Mr BARTON: I think the member's assessment is correct. I agree with him; they will not necessarily know. I dare say that, from a civil liberties aspect, this is one of the areas in which there is some lessening of the availability of information to go out to—it is not the public, but to a friend or a relative. Again, it comes back to the very awkward balance between the rights of individuals and the rights of the broader community and the needs of operational areas. They may not necessarily know. The experts have just informed me that in those circumstances the suspect does have the right to contact a friend, relative or lawyer and is informed of their right to make that contact.

Clause 11, as read, agreed to.

Clauses 12 and 13, as read, agreed to.

Clause 14—

Mr HORAN (3.48 p.m.): I think that my question on this clause has virtually been answered by the Minister in his reply. It was regarding the NCA and the fact that the Crown Law advice has been that State law or regulations cannot apply to the NCA. I think that the Minister said at the end of his reply that he had actually received a letter from the NCA stating that, in the case of Queensland Police Service officers working for the NCA, it would undertake equivalent recording of information as those Queensland Police Service officers would be required to undertake in their own jurisdiction.

Mr BARTON: I am making sure that I do in fact have that letter with me. I would be happy to let the member peruse it at some point. Obviously I do not want to table it, because it is in confidence, but I do have such a letter from the NCA. It indicates that, in effect, while we do not have the constitutional power to put into our legislation a requirement on the NCA, it will honour the spirit of such legislation and cooperate in that way.

Clause 14, as read, agreed to.

Clauses 15 to 17, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

RETAIL SHOP LEASES AMENDMENT BILL

Second Reading

Resumed from 24 March (see p. 733).

Mr HEALY (Toowoomba North—NPA) (3.52 p.m.): The Retail Shop Leases Amendment Bill 1999 will be supported by the Opposition. At the outset, I thank the Minister for making officers of his department available for a very concise briefing on the legislation. I particularly thank the Executive Director of the Office of Small Business, Mr Mark Bermingham, for his briefing. Mark and I actually go back a fair way. We were classmates for many years in Toowoomba and it is pleasing to see him continue to do so well in his career in the Public Service. In fact, he and I will be heading back to Toowoomba this weekend for the centenary of our school.

A Government member interjected.

Mr HEALY: The Minister may like to inquire about one of Mark's recreational pursuits, in which he also shows championship qualities.

The Government deserves congratulations from this side of the House on this legislation. It receives the support of the coalition because the legislation, of course, is coalition legislation. It is another measure from the coalition's term in office that this Government has sensibly continued. In this instance the Government has recognised the reality—that sensible and forward looking legislation should not be junked just because it was not its idea.

Queensland is the most go-ahead State in the Commonwealth. That is something that deserves repeating at every opportunity. It is, I believe quite properly, an article of faith shared by both the coalition and the Labor Party. We on this side of the House want to see that Labor in Government both holds to that faith and is not allowed to degrade Queensland's record in that regard. In this instance, happily, it would appear that those opposite desire to stay on the straight and narrow—that is good; that is of benefit to all Queenslanders—and naturally we applaud it.

Queensland is also the small business capital of Australia. We must never forget that something like 95% of all business in this State is small business and we must not forget that small business merits protection measures that bigger business does not need. This Bill represents Queensland's determination to support and nurture a positive environment for State business and industry. Of course, it is in no way coincidental that this determination follows as a natural consequence from the State coalition's vision for the future of Queensland.

There is a little history to this Bill that I suppose is worth reciting. In April 1997, when the coalition Government released an issues paper calling for public comment on possible amendments to the Act, we recognised the need to provide a fair balance between the interests of tenants and lessors through an appropriate degree of regulation. We understood that legislation offering clarity and structure was important. We knew that most small business owners were not legal practitioners and therefore required legislation in plain English. They needed to know that their business and their future were protected, that the potential for disputes would be minimised and that the capacity for effectiveness would be maximised.

This understanding and determination has not changed. We still recognise and support the needs of Queensland business and industry and we are resolute in seeking solutions which provide greater opportunity for Queensland business to focus on its markets and its products. We recognise that, with the Retail Shop Leases Amendment Bill 1999, the Government has carried on that particular procedure from the previous coalition Government and has progressed our undertaking in Government to provide improvements to the Act which sustain and advance the future prospects of Queensland business.

Of course, no doubt both the coalition and small business in general throughout the State are looking forward to further improvements by way of legislation as a result of the review of the Act to improve the lot of small business. We realise, of course, that this is the first of many initiatives that, as a result of that review, should see a better go for small business throughout Queensland.

The Queensland economy is increasingly dependent upon the effective functioning of the retail industry. This dependence certainly will not reduce. It will not disappear. It is therefore very important that, whatever the political complexion of the Government of the day, predictable continuity remains the hallmark of effective amending legislation. The Retail Shop Leases Amendment Bill 1999 provides this predictable continuity. It provides Queensland businesses with legislation which

reflects more cohesively the changes that have occurred in the retail environment. Legislation should not duck that issue. It is pleasing that in this Bill the issues are confronted squarely, with good sense and with an eye to accommodating changes that might become necessary in the future.

One area where square dealing in the legislative sense is absolutely crucial to the conduct of Government and the proceedings of business is that of dispute settlement. This Bill significantly enhances the Retail Shop Leases Tribunal's ability to deal with disputes. This is a real advantage, particularly in an area where retail tenancies have grown fast, obviously in accordance with Queensland's rapid economic growth, while large shopping centres have become more prevalent as a natural result of advances in retail technology and the power of the corporate dollar.

All small traders deserve effective protection from disadvantage in the retail and tenancy environments brought on by their lack of capacity to combat the power of big money. This is one area of legislative responsibility that the State must address with greater force and more efficiency than has tended to be the case in the past. In that regard, reducing the number of retail tenancy disputes directly enhances the environment in which business operates. This results in direct benefits to the economy in terms of building a strategy of effective dispute resolution, particularly in terms of employment creation.

I guess the only thing that we really need an assurance about in this particular legislation is that small business will see a more user-friendly facility for dispute resolution—not the time-consuming exercise that perhaps has been present. Hopefully with this legislation there will be the assurance for small business that the passing of these amendments will result in a true user-friendly facility.

Another aspect of this legislation is that it limits rent reviews to once every 12 months. That of itself provides a measure of certainty much needed by smaller traders. Further, under section 27 of the Act, multiple rent reviews are prohibited, and it is stipulated that only one basis must be used for each rent review. This provides surety to both parties. There is a common understanding as to how rental is calculated at the time of the review.

Queensland's existing retail tenancy legislation, which this Bill is intended to develop further and improve, was noted as forming best practice when examined in detail by the House of Representatives Standing Committee on Industry, Science and Technology's inquiry into fair trading. The coalition is committed to ensuring that this position of pre-eminence is retained and progressed. Our policy is that Queensland businesses must be provided with every possible opportunity to expand. I underline that point at this juncture by again noting that the overwhelming proportion of Queensland business is, in fact, small business.

Our policy of setting sensible limits to competition policy, for example, is designed precisely to nurture small business. We believe that newsagents, independent pharmacies and, in fact, a whole range of small businesses, including independent hotels, deserve regulatory protection so that they are not shoved aside and killed off by buying power competition. This does not mean that we are anti-competition—far from it. We are pro-competition, but we are pro fair competition. We are for competition that provides the people with as many options in the retail area as they can afford and will patronise.

In some Queensland regions, retailing is the major employer. In these areas, as well as more widely—and that deserves recognition, too—retailing is a key provider of a range of services supporting the local community and businesses. But this key role, as an absolutely fundamental element in the local economy, is particularly strong in some of the more remote regions of the State. Even more importantly, many of those small retail establishments are family owned. Our role as legislators must chiefly be to ensure that wealth generated in the localities in which we live remains in those localities so that it can fuel further growth and flow into the pockets of people who live in those localities.

The Retail Shop Leases Amendment Bill 1999 ensures that every retail tenant in Queensland is allowed the opportunity to manage their business in a fair, reasonable and progressive environment. It offers clarity in definition of the roles and responsibilities of both the tenant and the lessor. I congratulate the former Minister for Small Business, the member for Noosa, for allowing the necessary procedures to take place when we were in Government for the review of this particular legislation. I also congratulate the current Minister for virtually rubber-stamping the previous legislation. Obviously, he could see that it was in the best interests of small business throughout this State and, in fact, according to the feedback, was what small business wanted. It provides the machinery to redress the imbalance in the power relationship that can exist between lessees

and lessors. It guarantees a transparent rental review process.

In short, the Retail Shop Leases Amendment Bill 1999 is legislation which continues to promote best practice standards in Queensland business and industry, which is coalition policy to a T. As I mentioned before, the coalition will be supporting this legislation.

Mr NUTTALL (Sandgate—ALP) (4.03 p.m.): In rising to support the Bill before the Parliament this afternoon, I must say that since this Government came to office we have not been tardy in addressing the needs of the community. Indeed, this Government gives ongoing attention to what the community is telling us at Community Cabinet meetings and everywhere else we visit. This includes what they have been saying for a long time, even before we came to Government, about employment—and employment in the retail small business area in particular—and the need to protect jobs, as well as find jobs for the people of Queensland in the retail small business area.

My electorate is probably unique in that it does not contain one major shopping centre——

Mr Schwarten: But it's got you!

Mr NUTTALL: That is right. And they are very lucky to have me.

My electorate contains a number of what are called strip shopping centres. Basically, those centres are not under the one roof. I have encouraged our local Chamber of Commerce and other retailers in the area not to try to compete with the major shopping centres. Indeed, we should be offering an alternative, and it is an alternative to which I believe more and more people are turning. It is an opportunity for small business, particularly in my electorate, to capitalise on people wanting to move away from major shopping centres.

As members on the other side of the House would appreciate, an extensive public, industry and portfolio consultation process has taken place in relation to retail shop leases under this Act. Members may recall that, in 1996, members of the Retail Shop Leases Tribunal, industry associations and individual retailers recommended amendments to the Act to improve its operational efficiency. The amendments are a result of that consultation.

In my view, the reasons for this Bill are threefold: firstly, the clarification of the basis for rent reviews; secondly, that rent reviews be restricted to once every 12 months, except during the first 12 months of a lease; and, thirdly, that the Retail Shop Leases Tribunal be given the power to award costs in certain cases. It is quite clear that this Bill does represent a very positive outcome in terms of not only greater equity for the Queensland retail sector but improved efficiency in retail leasing arrangements across the broad spectrum of the retail sector in toto. With this legislation we expect to have a framework to actively assist both lessors and small retail lessees to operate as they should. Essentially, the legislation makes it necessary for the respective parties to meet their obligations. The legislation endorses the position under the general law or the practice which prevailed in advance of when the statute came into operation.

As members would be well aware, the retail industry is always in a state of flux. As a critical part of Queensland's economy and a sector which offers a considerable number of jobs, especially small business employment, we have to ensure that the sector is not constrained by retail tenancy conditions which inhibit best practices in the retail sector. One particular aspect that I would like to talk about today is the need for us, as a Government, to include unconscionable conduct provisions in State law that would complement what is happening at a Federal level in relation to retail shop leases. This Bill will be complementary to the Trade Practices Act and in line with Queensland's fair trading provisions of the Trade Practices Act. I believe that this is a good thing for all people concerned in the industry.

The retail sector is the major employer in Queensland. It also provides a range of key services in some regions of this State. As all members would be very well aware, some of the more traditional providers of services, particularly in rural and isolated areas, have changed their range of services or have even seen fit to withdraw some of their services from some towns. I believe that the retail industry more and more will be keen to offer those services to the consumer.

The Bill is consistent with this Government's primary aim to develop a very positive climate for Queensland business and industry. The Deputy Premier and Minister for State Development and Minister for Trade said the other day in this Parliament that this Bill will give greater transparency for the retail industry and is consistent with the Act's aim. Moreover, as indicated earlier, the Bill will bring about efficiency and equity in the conduct of retail businesses in this State. At the same time, through amending mandatory minimum standards for retail leases, low-cost and more

effective dispute resolution processes should ensue for retail tenancy disputation. This can only be good for the industry as a whole. Not only will this Bill give the tribunal power to make orders as to costs in particular circumstances but it will ensure that unconscionable conduct is not tolerated where, for example, "reasonable" and "frivolous or vexatious" will obviously take their meaning from legal precedent or discretionary powers.

In conclusion, I believe that the Retail Shop Leases Act will become more effective as a result of this Bill and will further assist the retail sector in Queensland by enabling it to be more viable and more marketable. It will assist with job creation, which is a major driving force of this Government.

Mrs GAMIN (Burleigh—NPA) (4.10 p.m.): I am pleased to make a contribution to the debate on the Retail Shop Leases Amendment Bill because it is on sensible legislation like this that Parliament deserves to spend a little quality time. Queensland deserves that time. Closer to home, my constituents in Burleigh certainly deserve—as do Queenslanders everywhere—to have such administrative arrangements made a matter of deep consideration.

The matter of retail shop leases is one of great importance to Gold Coast people particularly. The Gold Coast is the small business capital of Queensland—just as Queensland is the small business capital of Australia. In other words, the Gold Coast is at the cutting edge of small business.

Lease arrangements—and more particularly the obligations on tenants under such arrangements—are an essential element of any business plan. At the Gold Coast in particular, the revolution in retailing has provided great opportunities for small business. It has also created great challenges, and new challenges. Dynamic legislation is needed to accommodate these new challenges.

In the small retailing area—specialty shops and the like, of the sort that the Gold Coast in particular features because of the addition of the tourist trade to the local community—margins for traders can be very tight indeed. Business is cyclical. In a tourist area it is also heavily subject to distortions by reason of weather and other variables. The Gold Coast is also a high cost area, which adds a further disincentive to enterprises that might—certainly in the start-up stage—be rather more marginal than others.

For all these reasons, it is important to build better balance into the regulatory framework. It is vitally important that this balance is created through fairness and equity between the interests of tenants and lessors.

Small businesspeople face higher relative costs than bigger businesses across the whole range of their operations. A legal bill—even a legal opinion—represents a cost to a big business that is manageable or, at the very least, can be accommodated within the operating budget. This is not the case with a small business where the same dollar amount for service can equal a very high proportion of the business's assets.

The coalition—in Government and in Opposition and, indeed, historically—backs small business. It is pleasing to see that, so far as the Retail Shop Leases Amendment Bill 1999 is concerned, Labor has come to the party. In that general area, it is also pleasing to see that the benefits of plain English are being applied to the provisions of this Bill. That, too, is an immense help to ordinary people in understanding what is required of them and—just as importantly—what is required of other parties to their arrangement.

In that regard, measures to improve dispute settling arrangements are an important development which the coalition certainly supports. My colleague the honourable member for Toowoomba North has already made this point. I would simply add that these measures are very important indeed in the unique retail environment of the Gold Coast.

Limiting rent reviews to once every 12 months is a sensible measure. It is also good to see that this legislation—effectively the coalition's legislation—prohibits multiple rent reviews and insists that one basis only must be used for each rent review.

I know that the small business tenants who operate in my constituency will benefit from these improvements. That is good news indeed. Anything that boosts small business—that quarantines small business from cause and effect imperatives which it is simply not capable of dealing with on a sustainable financial basis—is good news.

We can all feel proud that Queensland's existing retail tenancy legislation—to which we are now debating further improvements—is recognised as best practice. It is surely Queensland's role within this Federation to improve best practice on a continuous basis. Our pre-eminent place in Australian society demands that we constantly seek excellence.

At the social level, it is important that we define and closely monitor the roles and responsibilities of both tenants and lessors. There is nothing in this sensible administrative arrangement that is anti-competition. We all understand—on this side of the House, anyway—that competition is what drives service and improvement. This legislation will clear the field so that small business can compete more effectively and in a fairer retail environment. I commend the Bill to the House.

Mr SANTORO (Clayfield—LP) (4.16 p.m.): Although this is a relatively small Bill and only the first instalment of a more comprehensive review of retail shop legislation, it is nonetheless an important initiative and one which has long been sought by the retail sector. Figures released by the Australian Bureau of Statistics indicate that retail businesses make up almost 17% of all business establishments in Queensland and employ 20% of all Queenslanders. Critically, these businesses employ 45% of all workers in the 15 to 25 age group. This sector plays a pivotal role in the creation of youth employment initiatives.

As we all know, most of the retail shop lease disputes that arise emanate from the so-called shopping centre industry. This important segment of the overall retailing industry, according to research which was released only in February, provides more than 107,000 jobs to the Queensland economy, or around 6.7% of the State's employment, which compares with 10.8% in manufacturing, 3.1% in finance and 1.3% in mining. Looked at from another angle, shopping centres contribute 4.4% to Queensland's gross State product.

In 1998, shopping centres accounted for 49% of Queensland's retail sales, which in that year totalled $21.9 billion. Of the $10.7 billion generated from shopping centres, 42% emanated from discount department store complexes, 31% from supermarket outlets and 27% from regional properties. There are 193 shopping centres ranging in size from Pacific Fair on the Gold Coast with 101,900 square metres in floorspace to small centres of less than 10,000 square metres of floorspace. Some of these shopping centres have very few individual traders, but the majority have in excess of 30, the largest being Indooroopilly Shopping Centre with 269 specialty stores. In the 193 shopping centres there are 9,500 stores, of which 41% are independently owned, 10% are franchises and 26% are part of national chains.

As can be seen from these figures, legislation governing the basic obligation of parties in this sector is important not just because it affects so many people directly but also because of the indirect effect that this industry has on the whole Queensland economy. In 1998 there were more than 360 million visits to shopping centres, which is the equivalent of every single Queenslander visiting a shopping centre twice a week.

Unfortunately, despite these impressive figures, there is no doubt that this vital sector is going through very tough times. I know that there have been many complaints about the proliferation of shopping centres and the effect that this has had on existing retail outlets. In fairness, a report prepared for the then Department of Tourism, Small Business and Industry in 1997 concluded that the growth in shopping centres and retail floorspace roughly matched the growth in the State's population.

The report concluded, however, that the spatial distribution of the additional retail floorspace was very even, resulting in localised problems. As the Minister would no doubt be fully aware, the report specifically drew attention to the oversupply of retail floorspace in the Capalaba and Cleveland areas, with consequent problems for the local economy and also for local traders. Although the growth in shopping centres may simply reflect overall growth patterns, in some areas problems—and occasionally very severe problems—have arisen.

As I mentioned, the latest information available indicates that there are fundamental problems of inequity and inefficiency in the shopping centre industry in this State. Based on four year trading trends in Queensland regional shopping centres, it would appear that average sales have remained static at $200m, which is a net decline of 9.7%, compared with a net increase of the same amount interstate. Overall sales on a square metre basis have actually declined by $264 per square metre, or a drop of 8.2%—and this compares unfavourably with a growth of 2.6% interstate.

Specialty shops, which pay around 70% of total rent, have experienced sales reductions on a square metre basis of $298m, or minus 6.14%, and again this compares with a decline of only 0.03% interstate. Compounding this problem, shop rents have increased from 13.8% of sales to 14.6%, and it would appear that rents are increasing overall irrespective of whether there is any increase in sales. The studies also suggest that there has been a deterioration in average retail shop profitability in the order of $22,000 over this four year period, resulting in increasing hardships and business collapses.

These are very troubling statistics and all point to the need for appropriate action by the Government. I know that there has been quite a deal of legislative action interstate over the past six months. In March, new retail shop lease requirements commenced in New South Wales. Among other things were new disclosure requirements, new provisions for the release of tenants on assignment and the incorporation of unconscionable conduct provisions in State law based on section 51AC of the Trade Practices Act. I know that the Retail Traders Association of Queensland has been calling for the incorporation of this section into State law for some time now so that Queensland retailers can avoid going through the Federal Court at great cost to have their grievances heard. I mention these reforms simply to highlight that the Government will have to start moving quickly and decisively in this area and stop dragging its feet.

It would be very hard for me to stand here today and oppose this Bill. It would also be very hard for me to stand here today and not congratulate the Minister on his second-reading speech. The reason is that this Bill is almost identical to the one introduced into this House by the honourable member for Noosa on 18 March 1998 when he was a very competent and hardworking Minister. The speech delivered by the Minister is almost identical, word for word, minus or plus a few cosmetic changes, to that given by the member for Noosa. Except for the fact that one speech was given on 18 March 1998 and the other one was given on 24 March 1999, one would think that we were experiencing the Australian equivalent of Groundhog Day. I congratulate the Minister and the Government on having the commonsense to proceed with very good coalition legislation. However, as usual the Minister has totally failed to acknowledge this debt to the member for Noosa and has taken almost nine months simply to reintroduce a Bill that was already completed.

Whether members look at the recently passed Justice Legislation (Miscellaneous Provisions) Bill, this Bill, or the current Equity and Fair Trading (Miscellaneous Provisions) Bill, again and again they see coalition Bills being reintroduced long after the event by this Government. As I said, I do not argue with the logic of Labor copying coalition initiatives. However, I object to the delay and sloth which seems to be an increasingly obvious hallmark of the Beattie "can't do until it has to" Government.

Indeed, there is even more nostalgia with this Bill. When carrying out some research for the debate on this Bill, I came upon an article in the Australian Financial Review of 8 March 1994 titled "Protecting Tenants". The article dealt with the claims by the member for Capalaba that legislation that he was then introducing, which is now the Act that we are amending, would abolish the so-called ratchet clauses and allow tenants to plan with more certainty. Five years down the track, we are still trying to deal with the issue in a way that will prevent small retailers being subjected to unfair and unconscionable behaviour by those who have the market power and who use it, sometimes quite ruthlessly.

This Bill has three stated objectives. The first is to provide the Retail Shop Leases Tribunal with the ability to deal with frivolous or vexatious claims. At the moment, each party to a dispute before the tribunal must bear their own costs. Under the Bill, this general principle is subjected to the power of the tribunal to make an order for costs where it is satisfied that the dispute is frivolous or vexatious, or that one party has incurred costs because another party, firstly, sought an adjournment of the hearing without giving reasonable notice, or secondly, contravened a procedural requirement. As can be seen, the object of the Bill does in fact go further than frivolous or vexatious claims and also deals with those situations that often arise in which one side, through sharp practices, tries to obtain a tactical advantage over the other. Although vexatious disputes most probably would not be all that common, I am sure that the remainder of this amendment will prove useful in preventing parties from misusing the tribunal and bringing it into disrepute by clogging it up with silly claims or engaging in unfair behaviour.

The examples that I have heard of where the power to award costs could prove useful include the failure by one party to attend mediation hearings and inordinate delays in complying with tribunal directions, thereby undermining the capacity of the other party to continue.

At the moment in both New South Wales and Western Australia, there is no ability to order costs and both jurisdictions have the same legislative approach that Queensland has currently. However, I think that the proposed change is a very sensible one and will help to maximise the effectiveness of the tribunal. The change is also not open-ended and, unlike in the ACT where there are no specified circumstances, the Queensland provisions strike the right balance.

My only other comment on this reform is that I was most interested in the Minister's reference to the uniform civil procedure rules, which will be coming into effect on 1 July. The fact that the tribunal will have the power to award costs in accordance with the bases outlined in those rules should overcome any problems that may otherwise have arisen.

The second object of the Bill is to provide that rent reviews may occur only annually, with the exception of the first year of the lease. The Explanatory Notes justify this change on the basis that it will provide a degree of certainty about the outcome of rent review negotiations. I agree with that proposition, because it has become clear that, at the moment, although the Act was drafted on the presumption that rent reviews would occur yearly, the Act does not, in fact, expressly regulate the period which must pass between each review. As a result, there is nothing to prevent rent reviews from occurring more frequently than annually. Limiting rent reviews to an annual basis is fair and I doubt whether there would be much opposition to this reform as it simply reflects current industry practice. Only those lessors who have acted in a way that is not in accordance with normal industry behaviour would have cause to complain. I think that this clause is appropriate, because it only mandates a minimum standard that is fair to both sides.

The provision that the first year of the lease is treated differently is also appropriate. From my discussions with people in the retail industry, it is clear that during an initial period after a lease is executed there may be rent abatements or rent-free periods. Nothing in this Act should limit the capacity of parties to enter into these sorts of arrangements as they can be absolutely critical during the initial periods of the establishment of a business. If the parties are placed into a well-meaning but misdirected statutory straitjacket from the outset, the capacity of small operators to get going could otherwise be unintentionally harmed.

The third object of the Bill is to clarify the basis for rent reviews. At the moment, under section 27 the Act specifies the bases upon which rent reviews are permitted to be made. They are: an independently published index of prices, costs or wages; a fixed percentage of the base rent; a fixed annual amount; the current market rent of the leased shop; or another basis prescribed by regulation. Subsection 2 of section 27 of the Act provides that reviews must be made using only one basis for each review. In other words, one can only increase the rent by using either CPI movements or one of the other methods that I have just outlined. Under the Bill, a new subsection 2 of section 27 is proposed to be inserted, which provides that the rent may be reviewed using different bases during the term of the lease, but each review must be made using only one basis. This overcomes the current uncertainty as to whether rent reviews are limited to only one basis for the entire period of the lease or whether each separate review can be made on one of the prescribed bases.

I agree with the Minister's contention that this maximises the flexibility for both the lessor and lessee and permits parties to tailor their rent review needs. This amendment has to be read in conjunction with the requirement of annual reviews. The cumulative effect of both of these amendments is to prevent lessees from being faced with multiple methods of rent review over relatively short periods. It has even been suggested to me that at the moment there are leases in existence that define a period as being one day, and then require a market review of rent one day and a percentage increase the next. If this suggestion is actually correct, and I have no reason to doubt that it is, then it is totally unacceptable and highlights once again that a small minority of retail lessors are misusing their retail power.

The Minister highlighted that a major review of this Act is under way, with a discussion paper having been released in November last year, and with submissions currently being analysed. As I mentioned a little earlier, in March this year amended retail shop leases legislation became operational in New South Wales and last July major changes were made to Victoria's laws. The Minister would be aware that last October Pat McKendry of the Retailers Association said that Queensland had now been overtaken by New South Wales and no longer had best practice legislation. The Minister also knows that there is tremendous interest in the end of lease situation, particularly in regard to the issue of whether an existing tenant should have a first right to re-lease an outlet, subject to an independent valuer settling the issue of an appropriate new rent. Perhaps the Minister may also be interested to know that it was none other than Bob Carr who in December 1997 insisted that the Federal/State communique proposing uniform national retail tenancy laws deal specifically with end of lease issues.

I have been approached by people who are concerned that the Bill does not deal comprehensively with the current practice of

subverting the intent of the Act by the use of modified ratchet rent clauses. For the information of those members who are unaware of what these clauses are, I point out that they give the landlord the right to use the higher of two or more alternative methods of rent review. As I understand it, contracts are being written that give the lessor the choice of whether or not to initiate a market rent review. Such a clause gives the landlord a two-fold advantage, namely, not being subject to market review in circumstances in which such a review is necessary to restore equity, and use of the costs of the review and uncertainty of outcome as a lever to secure a rent increase which would otherwise be unjustified.

I mention these matters simply to highlight that this industry, which is absolutely critical to the economic wellbeing of Queensland, requires ongoing, proper and sensible supervision. I recognise the validity of the point made by the Property Council that any further limitations on the discretion of landlords or procedural requirements often entails a compliance cost, but if any extra cost is entailed, it is well worth it if it prevents some small retailers from being sent to the wall.

With all due respect, the Minister has obviously dithered with this legislation since last July, even though he just copied a coalition Bill. Therefore, I hope that he does not sit on his hands in relation to the submissions that he will receive to his discussion paper.

I have outlined that the retail sector in this State is not doing all that well. Although the passing of legislation is not a magic wand, there may well be some help that can be given and, if so, no delays can be tolerated. In conclusion, along with other speakers from this side of the House, I support the Bill. I hope that it will not be too much longer before the Minister introduces more comprehensive reforms into the House.

Mr DAVIDSON (Noosa—LP) (4.31 p.m.): I rise to speak to the Retail Shop Leases Amendment Bill 1999. In March 1998, I introduced this very Bill to the Chamber. The only change made in this presentation is that the Bill is now dated 1999. The election of June 1998 ensured that the document was not debated in the Chamber until this time.

In March this year, the current document was introduced to the House by the Deputy Premier and the Minister for State Development and Minister for Trade, the Honourable Jim Elder. Obviously, since these particular amendments are identical to those that I proposed in 1998, neither I nor the Opposition intends to oppose the legislation. Indeed, it is our contention that these amendments are long overdue and we will support their passage through the House.

The major amendments proposed by the Bill will improve the operational efficiency of the Retail Shop Leases Act 1994 by clarifying the basis for rent reviews, restricting rent reviews to once every 12 months and empowering the Retail Shop Leases Tribunal to deal with frivolous or vexatious claims. It is a measure of the quality of the work performed by the staff in my department in 1998 that the Property Council of Australia identified the retail tenancy legislation, particularly the area of it that addresses the Retail Shop Leases Tribunal, as the best practice legislation in the retail industry in Australia.

When I introduced the Bill in 1998, I announced that my then Department of Tourism, Small Business and Industry had also commenced a major review of the Retail Shop Leases Act 1994, to be undertaken as part of the development of a retail industry strategy. In November of last year, the Minister for State Development and Minister for Trade advised that submissions and public comment on this strategy had been received and were in the process of being analysed. We await those deliberations with bated breath, especially if they take as long to arrive in the Chamber as the current Bill has taken.

Having been aired in the Chamber on a number of occasions now, members from both sides of the Chamber will be familiar with the contents of the amendments. I do not propose to raise those changes in the House again.

The importance of this Bill and other review and discussion papers that have been announced by the Minister for State Development and Minister for Trade and their repercussions on the industry in Queensland can be better gauged when one understands how many businesses these amendments will affect. Figures obtained and compiled by the Australian Bureau of Statistics indicate that retail business made up almost 17% of all business establishments in Queensland in 1994 and 1995. It employed 20% of all Queenslanders and 45% of Queenslanders in the 15 to 25 year age group. It is an important business indeed.

The current equivalent statistics for the retail industry of Queensland are not available, but with the growing population in Queensland in the ensuing five years and the commensurate growth in the retail and property industries in Queensland to 1999 and the year 2000, when all of these amendments

to the current Act take affect, it is suggested that the size of the industries will have grown exponentially and similarly. It is estimated that figures will show a growth in these industry areas of approximately 4,066 new retail businesses, thus bringing the total of retail businesses to 30,660 operations. That is not counting other sectors of business that lease or rent premises.

The Opposition will support these amendments on behalf of business, and small business in particular. I place on the record my congratulations to the Minister for ensuring that the Retail Shop Leases Act was maintained under the administration of the Department of State Development. After the change of Government last year, there was some confusion as to whether the legislation would come under the jurisdiction of the Department of Fair Trading or the Minister's department. I had something to say about that at the time. I acknowledge and respect the fact that the Minister has ensured that he administers this Act. I appreciate that he understands its importance to the business and small business sectors. As I said, we are only too happy to support the amendments that the Minister has moved today.

Mr ELLIOTT (Cunningham—NPA) (4.35 p.m.): I am pleased to take part in the debate today. This is a simple but very important Bill. Over the years, many small businesspeople have come to me with problems that they have had with their shop lease arrangements. I see some definite improvements for small business resulting from the legislation. It is good to see that a bipartisan approach has been taken to the legislation and that it is receiving bipartisan support in the House.

One aspect that I would like to touch on relates to small business. The legislation will assist small businesspeople, whom we all represent. Every member of this House has in their electorate a small businessperson who is impacted upon by rental reviews conducted at less than 12 monthly intervals. Because of that, they look forward to the protection that is provided by the Bill. There are problems in regard to small business. We have to understand that small business is the engine room of growth and of jobs. That is more so in Queensland than in any other State.

Many small businesses have been unable to ride through the difficult times that we have seen over the last three, four, five and up to 10 years. A number of small businessmen in my area have found it increasingly difficult to survive, and there are a number of reasons for that. Ten years ago we talked about interest rates causing problems. Then we talked about the downturn in the business climate and the recession that we had to have, which was brought on by Paul Keating. Now we are going through this level playing field junk. As far as I am concerned, it is time that we moved away from the level playing field philosophy. It does not work. It is simply a recipe for disaster and it will bring down more small businesses. We will see more small businesses going bankrupt and closing down, and more people will have to walk away from their businesses because it is becoming too difficult to continue. Running a business has never been more difficult; that is the simple truth.

We must all fight for small business. I am certainly most concerned about the situation in which many small businesspeople find themselves. Small businessmen in Toowoomba, some of whom are second and third generation businesspeople, have been really struggling. Not too long ago, one of those people sold his house and was living above his shop. The business had gone downhill so far that he had run out of equity and refinanced by selling his home. I do not think that that is a particularly good omen for small business, but it is happening in Toowoomba. If one looks at the unemployment statistics for the last month or so, Toowoomba's unemployment statistics are not as bad as those from a lot of other places.

We all need to relate to the problems. We need to look at two areas in particular. The escalating cost of workers compensation is a very real problem for them. We have to address those problems. We have to look also at compulsory third-party insurance. Over the past couple of days I have gone on record as saying that I believe compulsory third-party insurance is out of control and that we will see further escalations in premiums. The recent $40 rise in premiums will not solve the problem unless the other problem areas are addressed, namely, containing costs. If the Government wants to ensure that small business remains viable and that we have a sound small business sector employing more and more people—and this is the sector that employs people—the Government had better seriously start doing something about some of these other areas, otherwise more and more small businesses will go under. I support the Bill.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (4.40 p.m.): I wish to make only a couple of comments. Some statistics from 1994-95 indicate that 17% of businesses established in Queensland were small businesses. In that year, small businesses employed 20% of all

Queenslanders and 45% of Queenslanders in the younger age group, that is, 15 to 25-year-olds.

I wish to express my support for small business. More so than the giant retailers—Coles, Woolies and Franklins—the small family businesses are the backbone of the community. I have attended a number of sporting functions at which there have been multiple-draw raffles. Invariably the prizes have been donated by, for example, the local electrical trader, the small retailers, the chemists and so on. It is those people who are affected by the Retail Shop Leases Amendment Bill. I congratulate both the former Minister, the member for Noosa, and the current Minister, because both made the choice to introduce this legislation. On behalf of the retailers in my area, I thank them for addressing this issue and beginning the review of the retailing legislation.

I wish to comment specifically about a couple of matters. The first matter relates to the review of a rental agreement in its first year. As I understand it, this was done primarily because there were discounted rental periods in the first year, often for a period less than one year. In subsequent years, the review process is more clearly prescribed. I wish also to comment on proposed new section 27, which states—

> "The rent may be reviewed using different bases during the term of the lease, but each review must be made using only 1 basis."

For example, if a review is going to be based on a CPI or a fixed percentage increase, that has to be nominated at the beginning; the lessor cannot wait until the review is to be done and then pick the higher of the two percentages. By addressing this issue, the Government has given a great deal of security and certainty to lessees, who invariably, particularly in the larger shopping centres, are the minority shareholders. The big retailer is usually the drawcard around which all of the other little shops congregate. They are usually the ones at the greatest disadvantage not only because of their size but also because of their relatively small turnover. The introduction of this sort of certainty will give a great measure of protection to them. I thank the Minister for that.

I wish also to raise the discretion being given to the tribunal to allow costs to be awarded against either party. I note that the grounds for these cost orders are as follows—

> "(a) the dispute is frivolous or vexatious; or
>
> (b) the party has incurred costs because another party—
>
> (i) sought an adjournment of the hearing without giving reasonable notice; or
>
> (ii) contravened a procedural requirement."

My information is that those circumstances are usually beneficial to the larger trader and more detrimental to the smaller trader. I congratulate both this Minister and the previous Minister for giving a greater measure of protection, certainty to small traders. I reiterate that the Woolies, Coles and Franklins of the world are essential to our economy. I do not dispute that. However, they often operate to the detriment of the smaller retailers—the retailers that I consider to be the backbone of local communities and the local ethos, and the providers of local employment for our young people. I congratulate the Minister for bringing forward this Bill and I wish him every success.

Mr MICKEL (Logan—ALP) (4.45 p.m.): I agree with certain aspects of what the member for Gladstone said, and I will come back to that in a moment. The primary objective of this legislation is to promote efficiency and equity in the conduct of certain retail businesses in Queensland through the provision of mandatory minimum standards for retail shop leases and a low-cost dispute resolution process for retail tenancy disputes. Specifically, the three amendments serve to improve the efficiency of the Act by, firstly, providing the Retail Shop Leases Tribunal with the ability to deal effectively with frivolous or vexatious claims, thereby enhancing the effectiveness of the operation of the dispute resolution process; secondly, to clarify the basis for rent reviews; and, thirdly, to restrict rent reviews to once every 12 months and, therefore, to provide a degree of certainty about the outcome of rent review negotiations.

The main improvements in this Bill are that the tribunal may order costs to be paid in certain cases where vexatious claims are made where the intention is clearly to prolong or impede access to justice rather than to genuinely resolve a dispute. Also, another improvement is that the rent reviews are restricted, as I said, to once yearly. Therefore, it provides a degree of certainty to those small businesses that face rent reviews. The rent may be reviewed using different bases during the term of the lease, but only one basis may be used for each review. To that extent, this is a magnificent improvement which I know has the support of both sides of the House.

I wish to address a valid point made by the member for Gladstone. I wish to speak about the shopping centre in which my electorate office is located. This example highlights the situation about which the member for Gladstone was speaking. As the member for Gladstone pointed out, it is customary for any centre to have a major tenant. At my shopping centre, that major tenant is Coles. It is also a major employer. As the Minister knows, in my electorate office I am always trying to help out everyone in my electorate. It is unfortunate that Coles is so predatory in its business dealings.

For example, there is a newsagency in my shopping centre. Of course, Coles also sells stationery, but at a lower price, which forces a reduction in the profit margin of the newsagency. The member for Gladstone touched on the ethos that small shops provide. I can relate to that. There are two coffee shops in that centre. They are operated by cheery hardworking people who provide a friendly service and a community contact for many people. In fact, I look upon it as my mini radio station; it tells me exactly what is going on in my area.

Mr Lucas: Do they drink much caffelatte there?

Mr MICKEL: They love caffelatte. They are not uncouth, unlike some members, I am afraid to say, on my side of the House at various times.

Mr Elder interjected.

Mr MICKEL: There are some mugs on the other side of the House. I do not deal with mugs.

In direct competition to those two coffee shops, Coles has now decided to put in a small cafeteria. As anybody would know only too well, the profit margins of those little coffee shops are very small. Even if somebody went into the Coles cafeteria for one cup of coffee, that would cut into those profit margins. The shopping centre also has a Mitre 10, which specialised in key cutting. What has Coles done? Out of sheer pettiness, it has gone into the key-cutting business to try to take away some custom from that business.

Mr Lucas interjected.

Mr MICKEL: A similar situation exists with respect to the delicatessen and the butcher shop. Last week, the people in the tobacco shop told me that Coles staff come in on a fairly regular basis, find out what their prices are and then undercut them. I notice that a fair bit has been said about supermarkets controlling liquor outlets. Even the Liquorland outlet in my shopping centre is a subsidiary of Coles. I take the point that the member for Lytton raised earlier: my business is about the only business in the area that is not a subsidiary of Coles.

I also want to bring to the Minister's attention—and I know that he knows the area very well—the work being carried out by his department, which is based in Springwood, on the Browns Plains Road interchange. It is a substantial undertaking—well ahead of schedule—but inevitably it has disrupted trade for the retail sector in the Browns Plains area. I understand that the Minister's officers went through the area prior to the construction, urging businesses to get their business plans in order so that they could adapt to the changing circumstances. The officers have certainly been diligent in following up any cases I have referred to them.

The point is this: as the roadworks near completion prior to Christmas, I hope that the Transport Minister's department—I notice that the Minister for Transport is in the House at the moment—can work together with the Minister at the table with signage and business zones to help attract patronage to some of the retail sectors that have been affected by that road development. As the Minister knows only too well, the Logan west district is the centre of population growth for the Brisbane south zone, the Logan area and, of course, the northern part of the Beaudesert Shire. Freight distribution in the area will be a major employer, with Coles Myer in the Archerfield electorate and Davids, which is also now in the Kingston/Loganlea area in the Waterford electorate. They are major employers, so the residents of my electorate are dependent upon a vibrant small business and retail sector.

The Minister has a long history of success in running a small business. He knows the joys and anguish which go with it. This Government is a supporter of small business. That is why we support this Bill in a bipartisan way, and I commend it to the House.

Mr LUCAS (Lytton—ALP) (4.51 p.m.): It gives me great pleasure to speak in relation to the Retail Shop Leases Amendment Bill. It is a Bill to which I have given a lot of consideration. Certainly it is a Bill that is very important to a lot of small business proprietors, particularly in my electorate. I am fortunate that my electorate is one of the urban electorates that still has a significant main street shopping precinct. I must compliment the Minister. In fact, a number of his staff members—Frank Green in particular and Peter Wadley as well—have spent a lot of time in my local area recently

assisting the Wynnum Chamber of Commerce to assess its future direction.

A Government member interjected.

Mr LUCAS: He is a good man.

Of course, one of the problems with the older, main street style of retail shopping centre is that, for the past 20 or 30 years, there has been a tendency towards shopping malls. I was fortunate enough last year to represent the Minister for Public Works and Minister for Housing at the opening of a conference. I think it was called City Image 98. I heard a very interesting speaker from the United States, an architect from Florida, who indicated that in that country the trend is actually away from mall-type shopping centres—the mall design which has a large monolith that is zoned shops, then a road next to it, the a housing zone, then a park and then a precinct zoned commercial. The tendency in that country is to break up those large shopping centres and go back to the traditional main street style of shopping.

That really does bode well for areas such as Wynnum Central, because it has some natural advantages. If one looks back to the traditional shopping centres, one can still see some of them in Paddington where shops were on the ground floor with a family living above the shop. I notice that the member for Clayfield is nodding. I used to work in Racecourse Road in his electorate.

Mr Elder: I bet you kept that quiet.

Mr LUCAS: No, it was a great pleasure to work there in a good Labor law firm representing the decent working folk of that area.

Mr Santoro: I know one of the principals very well. He is a fine fellow.

Mr LUCAS: Yes, he knows the member, too. It was a great pleasure to work there. Our landlords at the time—the Georgas family—ran the fruit shop below us. They were very much the traditional style of shopkeepers. On a Sunday afternoon, we would often see them out the front having a cup of coffee and a discussion. That is really what one thinks of as the traditional sort of shopping district. In a lot of respects there is a lot to be said for going back to that style. At Wynnum Central, for example, we have a lot of very hardworking shop owners. Unfortunately, a lot of them rent their premises and a lot of the landlords are absentee landlords, and they do not always have the same sort of commitment to the local area that the shopkeepers do.

Some shops in my area were designed with housing above them, but most of them were not, although they are still main street sorts of shops. Certainly, the Brisbane City Council at present is looking at a local area plan for the Wynnum Manly area. One of the suggestions that it could take up—and it is along the lines of what this architect from Florida whom I mentioned earlier was talking about—is to increase the density by saying to developers, "Look, you are allowed to have one or two residential properties above the shops." They could have a balcony over an awning. It is very important, I think, in a place such as Queensland that we bring back the awning so that people do not get soaked or burnt to bits in summer and so that they can sit down or stroll in the shade.

Mr Wilson interjected.

Mr LUCAS: And have a seat to sit on, as the member for Ferny Grove points out. It is very important that we do all that we can to encourage that style of development. Let us face it, owners of properties obviously have to make a commercial return on their properties. If we can look at increasing the density to allow some housing above their shops, then we can increase the return to them and also allow them to invest more money in the shops for the betterment of the area. I think there is a lot to be said for doing that.

One of the clauses that I want to speak on—and I have had a significant and substantial discussion with the member for Logan in relation to it—deals with ratchet clauses. They are one of the most insidious forms of lease terms. I am very glad to see that definite steps are being taken in that area. It is very, very important that we do address that problem.

It gives me great pleasure to support this legislation. I know that the Minister is very committed to the sector. Often, we hear bleating from the other side of the House when we talk about primary industries issues, along the lines of: what would we know about that sort of stuff. When we are dealing with law issues, I never get up and ask what would people who do not have a legal background or have not acted for victims of crime know about that. I am a little bit more consistent, but I will say this about the Minister: he has a strong small business background as the proprietor of a small business—

Mr Mickel: A very successful small business.

Mr LUCAS:—and a very successful proprietor, and he has a real knowledge of and is accepted within the business community, and the small business community in particular. I give him credit for that. I suppose

the difference on our side of the House is that we have a very broad range of experience. It adds to the ability of those on this side of the House to represent people, but, unlike some other people, we do not claim to know it all because we represent particular areas. I would like to commend the Bill to the House and commend the Minister for his very good work in the area.

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (4.58 p.m.), in reply: I thank the members for Lytton, Sandgate and Logan for their contributions. They were very constructive, as were the contributions from the members for Toowoomba North, Burleigh—and partly from the member for Clayfield, but one can only anticipate and expect that it will always be partly—and Cunningham, and particularly from the member for Gladstone.

The point that I would like to make from the start is that the last time that the Retail Shop Leases Act was reviewed in any comprehensive way was in 1994 when I was Minister for Business, Industry and Regional Development. That was when the major changes took place. The reason that I supported these amendments when last in Opposition and have brought these amendments forward was that the original intent of the legislation that I brought forward that changed the Retail Shop Leases Act in a fundamental way to correct the imbalance and struck a better balance between the smaller shopkeepers and the large centre owners—between the lessors and the lessees—was essentially to do just that: make sure that there was a much better balance in the marketplace.

The full intent was for the rent to be reviewed on this basis. As we find out, and as I state to the member for Clayfield, in many respects we set out with an original intent but, human nature being what it is, some unscrupulous people find ways around that intent and use the legislation in a way that was not intended, to actually create the circumstances that many members have outlined—the circumstances that many small businesspeople found themselves in when dealing with the rent reviews. The reason for the support for these particular amendments, the reason for bringing them back into the Parliament, was essentially to address just that.

The criticism—not, I might add, from the shadow Minister in that sense—from the member for Clayfield was, "You dithered and took time." The simple fact is that the former Government brought in the legislation and then there was an election. I went back to the industry to see whether it was its intent that we move ahead with the full comprehensive review, which must be had by November this year, and a new legislative program. I tried to determine whether it was better to actually run that program, as we had had an election, or whether the industry would prefer that we dealt with it in a two-part process, firstly dealing with these amendments.

I was quite aware of and was across these amendments at the time because I had been briefed by the previous Government and I had also spoken with the industry about them. I wanted to know whether we should go back or move forward with these amendments, get on with the discussion paper, which was released in 1998, and go on with the review. By the time we finished that, the industry said, "Yes. Get it back into the Parliament." It came into the Parliament as quickly as I could get it into the Parliament—given the nature of the discussion with the industry, given how we would run the process from that point onwards and given that there had been a change of Government. So there had not been any dithering on this matter. In fact, I had been commended by those particular players within the industry for doing just this.

We will get on now with the major review of the legislation. The discussion paper has been issued. The responses are back. I now have a working group working through what are significant issues within the industry that need to be resolved, and I am not going to hurry it for the sake of expediency.

If there is one thing I learned from the first review, it was to endeavour to get it right the first time so that only minimal changes need to be made. There will be some changes, as in this case, but I am seeking only minimal changes beyond that. It is my intention to have that review finished this year. If it is, the legislation will be brought into the Parliament. If we have only reached the point this year where the concerns raised by both the lessees and the lessors—by the major players, by the shopkeepers—are resolved, then I will bring the legislation forward early next year. I will have it drafted through the November/December period and bring it into the Parliament next year. The intent is to do it in the shortest possible time frame but with the support of the industries that are involved—both the major industries and those within the retail sector.

I say to the member for Clayfield that we are not behind Victoria and New South Wales

in any sense with our legislation. Our legislation is still a footprint for those jurisdictions. Victoria is still behind in terms of the make-up and intent of its legislation. New South Wales has a far more legalistic system than we have in this State.

The member for Clayfield mentioned unconscionable conduct. People find that the relevant provision in New South Wales just is not being used and there is continuing debate about the worth of that within the New South Wales legislation. That jurisdictional area is far more complicated than the tribunal system that we have in this State. We are still the lead agency, in my view, in terms of how we deal with the concerns that are raised within the retail sector, with the Retail Shop Leases Act that we currently have.

I mention ratchet clauses. I was trying to catch the attention of a couple of members on this issue. Ratchet clauses are not even in the current legislation. I dealt with ratchet clauses in 1994. Some members may confuse them with rent reviews, but ratchet clauses are quite different from the rent review concerns that had been raised by many of the small retailers that we are dealing with in this legislation.

I think the intent of this legislation now clarifies my original intent as Minister, which is, as I say, the reason I have been keen to get it into and through the Parliament—so that we can deal with this issue for small shopkeepers in a more comprehensive way.

In conclusion, it was during my last term as Minister that the major review was conducted and it will be during this term as Minister that we will complete the second major review. We will do it within the time frame and we will do it just as comprehensively as we did it on the first occasion. I thank members for their support. I thank the Opposition for its support in relation to these particular provisions.

Motion agreed to.

Committee

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr HEALY (5.05 p.m.): Minister, I raise a point for clarification in relation to clause 4, dealing with section 91(3), which states—

> "On application by a party, the tribunal may make an order for costs if it is satisfied—
>
> (b) the party has incurred costs because another party—
>
> (i) sought an adjournment of the hearing without giving reasonable notice;"

Does the tribunal have a definition of "reasonable notice"? While I certainly can understand the reason this is in the legislation, from time to time there would be some cause for an adjournment to take place. If that determination were to be there and the decision was whether or not to adjourn it for whatever reason, would that not be of benefit to that party because there is no definition of a reasonable time to give notice for that adjournment?

Mr ELDER: My understanding is that it is at the discretion of the tribunal. It has always been at the discretion of the tribunal. The judge has always been the one to determine what is reasonable. That is the way it has worked to date. This is taking that same provision and applying some more points that give the judge the ability to apply costs if necessary, if it is not met. I do not have a definitive time frame but, from past experience, it has always been at the discretion of the tribunal.

Although it probably does not touch entirely on this clause, I inform the House that a very good friend of mine is now moving into small business and may find himself in the retail sector in the very near future. I say to my very good friend Alf Langer that I wish him well in his new career. He has been a great Queenslander and a great footballer and I wish him all the best. This legislation just might underpin an opportunity for him to be just as successful in the retail sector as he was on the football field.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

COAL MINING SAFETY AND HEALTH BILL
MINING AND QUARRYING SAFETY AND HEALTH BILL

Second Reading (Cognate Debate)

Resumed from 24 March (see p. 735).

Mr ROWELL (Hinchinbrook—NPA) (5.10 p.m.): The Opposition is pleased to see the introduction into this House of legislation

designed to provide a more relevant and proactive legislative framework for health and safety matters for both coalmining in particular and the whole mining and quarrying industry in general. Work on this legislation commenced in 1991, and so it is appropriate that perhaps before the new millennium begins we might see legislation in place that is more relevant to Queensland at the end of this century rather than legislation that was modelled on the mining practices and experience of Britain at the end of the 19th century.

Much of what is in these Bills is uncontroversial and has the support of all parties. The Opposition supports the establishment of the tripartite Coal Mining Safety and Health Advisory Council and the Mining and Quarrying Safety and Health Advisory Council to advise the Minister. The Opposition supports the emphasis on duty of care obligations on all parties involved with the mining and quarrying industries. That is particularly important, because that is what these Bills are all about. The Opposition supports on-site management of risks involved with mining. The Opposition supports, and would strongly encourage as part of an effective duty of care approach, comprehensive involvement by employees in safety matters on site. The Opposition supports a strong, independent and professional inspectorate which is adequately staffed and funded with a major monitoring and enforcement role. The Opposition supports the development of site-specific safety management systems. The Opposition supports modern, relevant, dynamic and practical occupational health and safety legislation for our mining sector. We do not wish to see this critical industry and the safety of the many people who are part of it in any way compromised by political or sectional trade-offs that have more to do with power plays than any real concern for the safety of workers at the coalface.

I would have liked to rise today and give the Opposition's wholehearted support for these Bills. Certainly, there is not one person in Parliament or in the mining industry who does not want to see every opportunity given to eradicating fatalities and major accidents in this very critical industry. Unfortunately, the Minister has seen fit, in the short time since the last election, to fiddle with draft legislation completed by his predecessor, the former member for Tablelands, which had the support of all parties, and engage in a back-to-the-future exercise by agreeing to all the key demands of the union movement.

The legislation now before the House has many positive elements to it, and as the Minister quite rightly said, the majority of its provisions are sensible and appropriate. It is, then, all the more disheartening to see that a legislative exercise which had gone so far and united so many, has been undone at the final furlong. And the area where these Bills have been undone goes right to the heart of their effectiveness. That is particularly unfortunate.

These Bills seek to improve safety by moving away from a prescriptive approach where all people go on autopilot and rely on the letter of the law, irrespective of how effective that is in given circumstances, and instead introduce a comprehensive safety culture at all levels of the industry. This is the practical manifestation of the so-called duty of care approach, where all people at all levels of the industry are expected to promote safety and have a duty of care to their fellow workers, no matter how high or humble, to see it carried through. Yet despite promoting a duty of care approach, these Bills undermine that very initiative by retaining statutory positions in key areas and introducing penal provisions, draconian police powers for inspectors and severely and unfairly restricting the rights and defences of persons under investigation or charge.

In sum total, the changes the Minister has made to the Bills crafted by Tom Gilmore, the previous Minister, are to undermine their effectiveness and possibly create safety risks. It is absolutely amazing and not a little disturbing that the Queensland Mining Council, which represents the vast majority of mining companies in this State, has been forced to submit to this Government and this Premier that it believes that this legislation actually constitutes a threat to the health and safety of its members' work force in the mines which they manage and for which they are responsible.

Any Government which was less reliant on sectional interests—and in this case it is the union movement—would not have seen fit to proceed with legislation which has so divided the industry and which one part of that industry believes is itself a safety risk. Any responsible Government would have sorted out the matter and acted in the interests of the broader community, not just its union mates. But this Government has once again shown that, when it comes to the public good or the good of the unions affiliated with the Labor Party, it will again and again put the unions' interests first. And it is all the more worrying in this case as the very people who are on the front line and who will either benefit or be harmed by

incompetent, ham-fisted legislation are the very union members and workers whom this Government and its union mates claim to represent.

There is no doubt that workers in the mining and quarrying industries are engaged in an occupation that is intrinsically dangerous. Yet it is important to realise that, over the past few years, there have been significant improvements, and we now have an industry which has a safety record and performance which is far better than anyone would have imagined only a decade ago. Nevertheless, when one considers that since 1900 to the end of last year there were 361 fatalities in Queensland coalmines alone, one realises that much more needs to be done.

Tragically, in fact, the first major mining disaster in Queensland occurred in Charters Towers around 85 years ago, when seven workers were killed in a gold mine. From the beginning of the century until 1970, an average of 3,000 people were employed in the coalmining industry. After 1970, the industry quickly developed, and there were accelerated job opportunities. Employment in the coal industry peaked in 1992, when 11,450 people were employed. It has since dropped to 8,661. This decrease is matched by job losses in every other State, with Australian employment levels in the mining industry declining from a peak of 33,000 in 1987 to 24,000 in 1997.

The Australian Productivity Commission, in its report on the Australian black coal industry, pointed out that black coal is Australia's largest export industry. In 1997, it accounted for 10% of Australia's merchandise exports and more than 1% of its GDP. In dollar terms, this amounted to $8.8 billion.

In the context of Queensland exports, coal contributed $5.5 billion in the 1997-98 financial year, or 12% of the total, while other ore and metals amounted to $2.5 billion. Our mining industry helped the Australian economy in that one year alone by $8 billion and constituted 37% of all our exports. In dollar terms, this is our State's most important industry.

From figures supplied to me, royalties paid by Queensland's mining industry to the Treasury amounted to $479m in 1997, with coal contributing $394m, minerals $58m and petroleum $27m. Of the total Australian production, Queensland produces 48% of all coalmined, 53% of copper, 44% of lead, 62% of silver, 22% of bauxite and 8% of titanium minerals. I mention these figures simply to highlight that maximising safety in this industry is absolutely essential for our State's and our nation's economy, and to also emphasise the critical role that the mining industry and all those who work in it perform for each and every one of us. This is a very important point. It is an extremely important source of revenue.

But let us keep things in proportion. As dangerous as mining is, so are a great many other industries. In the three years to June 1998, there were 13 fatalities in the Queensland mining industry, comprising four in the coal industry and nine in the metalliferous mining industry. During that same period, 36 workers were killed in the building and construction industry, 25 in the manufacturing industry, 22 in the transport industry and 19 in the farming and pastoral sector. From an interstate viewpoint, Queensland's 13 fatalities in its mining industry compared with 17 in New South Wales. These figures are very instructive and their implications need to be fully understood and appreciated by the Minister, especially when it is understood that New South Wales miners are supposedly protected by the very penal provisions which the Minister is seeking to introduce into Queensland.

On 16 March, the Minister was interviewed by Michael Spooner of the Rockhampton radio station 4RK and he made the following observation: "Legislation will not guarantee that the workplace becomes safer." No-one would disagree, but bad legislation can ensure that an environment is created which results in a less than satisfactory approach to workplace health and safety. Unfortunately, this is such legislation. Despite antiquated legislation, the Minister would know that the safety performance in the mining industry as a whole has shown steady and sustained improvement in recent years.

The key indicator is the lost time injury frequency rates and, according to figures produced by the Department of Mines and Energy, in all sectors of the mining industry there have been improvements almost without exception year by year. Firstly, so far as open-cut coalmining is concerned, the lost time frequency rate has dropped from 24.9 in 1993-94 to 7.8 in 1997-98. The rate dropped each year, with the most significant improvement over the last three years. Underground coalmines also showed steady improvement with a drop in the rate from 73 in 1993-94 to 39.4 in 1997-98. In surface metalliferous mining the rate improved in this period from 18.6 to 11.8. The area which shows least improvement is underground metalliferous mining, which improved from 21.8 to 19.3. Having said that, though, safety in underground metalliferous mining is still twice as good as in underground coalmining. Finally,

safety in the quarrying sector was also improving, with a decrease in the lost time frequency rate from 23.7 to 13.7. The overall mining operation figure showed a drop from 27.7 to 15.5.

Our mining sector's performance of 15.5 compares with 32.5 in manufacturing, 15.87 in transport and storage and 14.06 in construction and utility supply. Most importantly, the all-industry average of 15.25 is only slightly below the mining industry's figure of 15.5, which in turn was a dramatic improvement over the 20.2 which it scored in 1996-97.

Let us get things in perspective and not deal in rhetoric and claims that this or that industry has written legislation in the blood of this or that work force. This is the sort of rhetoric that the member for Fitzroy—who is present in the Chamber—has used in the past in this House. It is the sort of rhetoric that his union mates use to shore up their own positions in an attempt to justify their existence.

The Minister and the member for Fitzroy should be the last people to criticise others about safety in our mining sector. The Minister, while he was in this portfolio, presided over one of the most shameful periods of our State's mining history. To anyone who is listening to this debate or who reads Hansard, I direct them to the ministerial statement given by the former member for Tablelands on 2 April 1996. The then Minister tabled in this House the coroner's report into the 1994 disaster at the Moura No. 2 underground mine. I recommend that interested persons read the findings of the coroner. Amongst other things, he found—

> "It is a matter of regret that the department has allowed positions in the Inspectorate which affect health and safety issues to go unfilled for a number of years.
>
> It is a matter of regret that staffing levels in the Rockhampton Inspectorate appear to have affected their capacity to carry out their duties in the manner that they as statutory officers see fit.
>
> It is a matter of regret that due to the actions of others and low morale, valuable, qualified and experienced members of the staff left to find alternative employment.
>
> This infers that the department was prepared to accept a level of death and injury in the industry so long as budget targets were met."

Those are not my words; they are the words of Frank Windridge, the mining warden. They sharply illustrate the Goss Labor Government's pathetic approach to mine safety. The same Minister is again in charge of this portfolio. This is the Minister who started looking at legislation in 1991 and, by the time he and his Government were thrown out in 1996, still had not produced anything other than hot air and excuses. So I say to the Minister and the member for Fitzroy, who are quick to attack the coalition and defend their union mates, that in the area of mining workplace health and safety the Labor Party has a shameful record and that this Bill is just the latest instalment of that record.

I compare the inactivity of the member for Mount Isa when he was Minister for Minerals and Energy in the Goss Government with the record of Tom Gilmore when he was the Minister who, on 9 October 1997, was able to announce to the House that 20 of the 25 recommendations of the mining warden's inquiry into the Moura No. 2 mine disaster had been fully implemented, that four had identified outcomes that were being developed by the coalmining industry and that there was one minor legislative change needed. In other words, the coalition acted promptly and correctly in addressing the issue of occupational health and safety in our mines. The fact that Tom Gilmore, as Minister, was able to have a Bill that had achieved cross-industry support drafted ready for introduction into this House is a testament to the former Government's actions. The only reason we are debating legislation today is that Tom Gilmore, as Minister, gave to the current Minister ready-to-go legislation. It is symptomatic of this Minister's performance that he has taken over six months to wreck it and produce Bills that in many areas actually go backwards.

Mine safety is too important to be bargained over. It is too important to be compromised by Governments because this or that sectional interest wants to hang on to their little power bases. Let me be clear: I do not share all of the views of the Productivity Commission with its economic rationalist approach to the world and the coal industry. I do not believe that, in terms of the lives and the health of fellow Queensland workers, we can afford to cut corners and possibly place people at risk. I also want to be very clear and say that the Opposition supports our minerals industry and its employees 100% and will do everything it can do to advance the industry. The Opposition does not take the side of the unions or the management on this Bill; it takes the side of mine safety. That is the extremely

important issue with this Bill. Like all Bills that sometimes pit one side against the other, there will always be elements of self-interest that come into the equation. These Bills are no exception. However, the case put by the Mining Council and other interested parties against some elements of this legislation is more than persuasive; it is totally compelling, it is logical, it is sensible and it is right.

To date, I have seen absolutely nothing said, written or hinted at by the Government that in any way addresses the core concerns of the council or the many other Queenslanders who have written or spoken to me about these Bills. These concerns, firstly, are that the principle underlining the reform of both the Coal Mining Act 1925 and the Mines Regulation Act 1964 is to entrench in the legislation the so-called duty of care approach to mine safety. This places responsibility for occupational health and safety on all persons. I think that is an important issue. It is not just the responsibility of management, the workers or the people who come in and do contract work; it is the responsibility of all people in the mines. These Bills place the responsibility on all of those people. Everybody in the workplace has a safety duty, not just those at the top of the management structure or those who have been appointed to so-called statutory positions. I want to reiterate that, because I think that is the key to reducing fatalities and accidents to Queenslanders and the down time that occurs in mines.

From the figures that I have referred to already, it is obvious that in recent years the mining industry and all involved in it have taken great strides towards creating a much safer work environment and a work culture that is more alert to safety issues. Tragically, from time to time accidents occur, but the overall trend is towards a much safer workplace for those involved either above or below the ground.

Both of these Bills are aimed in part at giving added impetus to this workplace safety momentum by moving away from a prescriptive approach, which is based on detailed laws, singular accountability and a prescriptive legislative framework to back it up. Under the old approach to mine safety, the registered mine manager was the ultimate statutory official and, in the event of an accident, that person would be held responsible and accountable. This situation was exacerbated by the creation of so-called statutory positions in whose hands health and safety responsibilities reposed. A culture of delegation to those in those positions was created. It was and remains a culture that is not compatible with multiple accountability and a spreading of the duty of care mentality throughout the work force.

Surface, or open-cut mining, was a more recent mining development and yet when the legislation governing open-cut mining was first drafted, the precedent of underground regulation was adopted despite the much lower risk entailed with open-cut mining. So currently we have legislation that is not appropriate across-the-board or within particular mining sectors. These Bills advance safety quite some way and are based fundamentally on the draft legislation that Tom Gilmore, as Minister, had completed just before the 1998 election. Yet, as I said, they have been devalued by the Minister's caving in to union pressure.

The first area of the Bills that is important is the insertion of the penalty provisions. Both Bills set out various safety and health obligations that are owed by a large category of persons. For the information of the House, I will point out that those obligations are owed by the holder of a mining lease; a coalmine operator; a site senior executive; a contractor; a designer, manufacturer, importer or supplier of plant for use at a mine; an erector or installer of plant at a coalmine; a manufacturer, importer or supplier of substances for use at a mine; or a person who supplies a service at a mine. As can be seen, the list is exhaustive.

Both Bills then impose a duty on those people to discharge the health and safety obligations placed on them and then set out in ascending order the range of penalties that can be imposed in the event that the duty has been breached. The Opposition has no difficulty at all with the penal provisions as a matter of principle. In fact, penalties of imprisonment have been a part of general workplace health and safety legislation since 1985. So there is nothing new about them. Yet the Minister knows full well that, under the Coroners Act administered by his colleague the Attorney-General, whenever there is a fatal accident at the workplace there must be a coronial inquest. He also knows that, if there has been criminal negligence, charges can be laid under the Criminal Code. The Minister would have been fully briefed by his officers that since 1985 not one person has been imprisoned as a result of penalties in the Workplace Health and Safety Act. The general practice in the event of criminal negligence is for the people responsible to be dealt with under the general criminal law of this State, and no-one would disagree that anyone who

has put the lives or safety of others at risk deserves to be treated accordingly.

The question then arises as to why there is a need to put additional penal provisions in these Bills when for seven years when they were being developed this was never seen as a sensible move. The main problem with penal sanctions and the whole array of police powers and the curtailment of civil liberties that go with them is the effect that they will have on the aim of the legislation in developing a duty of care culture. Both Bills contain specific parts that outline in quite considerable detail safety and health obligations with specific provisions for each level of management and for all persons, either on site or off site, whose actions may have a bearing on mine safety.

These Bills are more proactive than current workplace safety laws and are predicated on a full and open exchange of information on incidents so that the causes of such incidents can be isolated and prevented from arising again. The Bills contain lengthy and detailed provisions requiring the free exchange of information to the inspectorate on incidents, including the cause or causes of incidents and preventive action, so that similar incidents will not recur.

The Bills also contain very wide police powers for the inspectorate. These powers include the compulsion on persons interviewed by inspectors to answer questions. Both Bills provide that it is not a reasonable excuse to refuse to answer a question because the answer may incriminate a person.

Persons with obligations under the Bills can be compelled to produce documents, which are defined to include computer records, and the inspectorate can either copy the material or seize it. However, the Bills also provide that it is not a reasonable excuse to refuse to hand over that material on the basis that the documents may incriminate the person holding them. Further, the Bills provide no protection against these documents being used in criminal or civil proceedings.

As if that were not enough, the Bills also give power to enter non-dwelling places without obtaining a warrant or the permission of the owner or occupier. This power to enter without a warrant is not limited to on-site work premises, but extends to workplaces that are off site. The explanation for this is the alleged increasing use of contractors.

Finally—and I will return to this matter before I conclude—the Bills specifically preclude persons charged under the penal provisions from relying on the defences contained in sections 23 and 24 of the Criminal Code. These are the core defence provisions of our criminal law and deal with defences of accident and events occurring independently of the exercise of one's will and, in the case of section 24, mistakes of fact.

Therefore, the Bills exhibit a desire to get to the bottom of accidents and to arm the inspectorate with very wide powers so that critical information can be obtained quickly and effectively. However, in the opinion of the Mining Council, the introduction of specific criminal sanctions in this Bill will severely undermine the disclosure of the vital information needed to eliminate fatalities and permanent disabilities.

As I mentioned, based on the experience of general workplace health and safety legislation, it is unlikely that anyone will be sent to prison as a result of the penal provisions in these Bills. However, criminal sanctions may well impede safety rather than improve it. Instead of wanting to freely give information or exchange it, people will carefully weigh up the risks of possible prosecution. Instead of a culture aimed at freely exchanging information, a culture of running to high powered lawyers to get advice and seek immunity whenever possible may well develop.

The Minister knows that the Department of Mines and Energy inspectorate did not ask for or support penal provisions. Independent experts have written to the Minister and the Premier, pointing out that penal provisions are counterproductive. According to information given to the Opposition, even the CFMEU was not pushing for penal provisions. The only group pushing for those provisions was the AWU. We all know that the Minister owes his seat to the AWU faction. I said earlier that I support penal provisions, and I do. There is no suggestion from the Opposition that a person who is guilty of criminal negligence should not be punished, but there is already ample opportunity for that under the general criminal law.

Likewise, the Opposition does not oppose giving the inspectorate appropriate powers to ensure that the Bills are properly enforced. However, the aim of these Bills is not to get at the truth and facilitate a thorough investigation of incidents, because the threat of prosecution now hangs over people's heads. Quite a number of experts in this area have said to me that, when an incident occurs, the first thing in people's minds will be to protect themselves from possible prosecution rather than to freely assist inspectors in getting to the truth about an accident.

To be fair, despite all of these drawbacks, a proper case could be made out for penal provisions, provided that there were appropriate checks and balances. I must emphasise that to date no such case has been made out and the potential drawbacks of the insertion of penal provisions have been highlighted with pinpoint clarity by the mining industry. Nonetheless, the Opposition recognises that in appropriate cases in industry specific safety legislation penal provisions may be necessary to deal with particular situations. However, when weighing up the industry's outright opposition to penal provisions in these Bills, it must be appreciated that there are other enforcement provisions and we must look at how that colours the whole prosecution process.

In fact, certain aspects of the prosecution process in these Bills are unusual and, no doubt, have caused concern to any person who has read them. First, I notice that in both Bills a prosecution can be commenced by the chief inspector or somebody authorised by the Minister or the Attorney-General. The Explanatory Notes give no indication as to whom the Minister, in particular, may authorise. I ask the Minister now exactly whom he intends to allow to institute prosecutions. If he has no specific classes of person in mind now, what transparent process will he put in place to ensure that union statutory position holders or union officials in general are not given the ability to start criminal actions against those whom they have a grudge against? It is a very unsatisfactory state of affairs that the institution of criminal prosecutions should not reside with either an independent, non-political inspectorate or the Attorney-General. Having the Minister involved in this process could well politicise the whole area, which would act against the spirit of the post-Fitzgerald reforms that the State has put in place.

My concerns are increased when I read that an industry safety and health representative or a district worker's representative can actually recommend to the chief inspector that there be a prosecution for an offence. Why on earth should there be any mention in legislation of who can recommend that charges be laid apart from those persons in the inspectorate? Why give union representatives in these statutory positions, or anybody apart from an inspector, this power? The laying of charges or the recommendation for the laying of charges should lie with a professional, non-partisan and independent inspectorate. Criminal charges should have nothing to do with either management or unions, but should involve an independent umpire.

These sorts of provisions highlight the fact that the compromises that the Minister has made to the Bill over the past six months have more to do with politics than occupational safety. It also highlights why the industry is so strongly opposed to penal provisions. How could anyone expect that the industry would have confidence that wide penal provisions backed up by intrusive police powers will be used responsibly when these Bills give every indication that the prosecution process could be initiated or tainted by the CFMEU or the AWU?

If the Government were really serious about tackling safety issues and believed sincerely that penal provisions were required to assist in this process, it would not have presented to this House Bills that contain unprecedented powers for the trade union movement to be involved in the laying of charges against not only mine owners but management in general, non-union workers, truck drivers, importers, suppliers and almost any contractor in between.

Before leaving the penal provisions, I wish to know why both Bills have taken away the right of people to rely on sections 23 and 24 of the Criminal Code and instead give them a very watered down defence, one in respect of which the defendant must prove that the commission of the offence was due to causes over which the defendant had no control. The reason given in the Explanatory Notes does not make much sense. It is to the effect that there are some matters inherently within the knowledge of a person. So what! I fail to see how that statement of a self-evident truth has any bearing on whether a person should be prohibited from saying that an incident occurred either by accident or independently of the exercise of his or her will or as a result of a mistake of fact.

Just how far has this modified statutory defence taken away defences that almost everybody else subject to charges has? It is clear that the modified statutory test does not cover all of the same ground as the existing Criminal Code defences, and one would like to know just how far people's rights have been curtailed. Why should an alleged murderer be given a greater opportunity to rely on defences than is given to a person under these Bills? Why should a person in all other industries operating in this State be given the opportunity to rely on these defences when people in the mining industry are not?

Under both of these Bills, an industry health and safety representative and a district workers' representative are totally exempted from civil liability for any act done or omission made honestly and without negligence under the Act. In short, an underqualified union representative who shuts down a mine and costs a company millions of dollars can walk away without fear of having to pay a cent. Therefore, to an extent, our mining industry and its future are placed in the hands of union appointed people who are immune from accountability, provided that they are acting honestly and not negligently. However, Mr Speaker, you, the people of this State and I pick up the tab.

Under both Bills the mining company can sue the State of Queensland for the harm done by the union officials. Honourable members should read clause 254 of the mining and quarrying Bill or clause 276 of the coal Bill, because this is spelt out with absolute clarity. I fear that the trade-off effected by the Minister with the CFMEU and the AWU will be paid for in due course by the taxpayers of Queensland. The powers given to such people are extremely wide, and yet when we look at the Bill governing coalmining we see that there are also site safety and health representatives in coalmines doing much the same job and who are elected by the mine workers.

The Minister has an awful lot of explaining to do if he wants to attract bipartisan support for what appears on its face to be a totally unwarranted and unfair move. It becomes clear, as I have mentioned with respect to the recommending of charges, that the so-called statutory positions will play an important role in both pieces of legislation.

I wish to focus on the role of industry health and safety representatives under the Coal Mining Safety and Health Bill and the district workers' representatives under the Mining and Quarrying Safety and Health Bill. Persons holding these positions have a wide range of functions, including the inspection of mines, reviewing procedures in place, detection of unsafe practices, participating in investigations into serious accidents, investigation of complaints and helping in initiatives to improve safety. These representatives can make inquiries, enter any part of a mine, examine any documents relevant to safety and health, copy safety and management system documents and require persons in control of a mine to give help in exercising these powers.

Debate, on motion of Mr Rowell, adjourned.

PERFORMANCE OF MINISTERS

Miss SIMPSON (Maroochydore—NPA) (5.55 p.m.): I move—

> "That this House condemns the Beattie Government for the disastrous performance of Ministers, particularly Ministers Edmond, Welford, Spence, Schwarten and Wells."

Let me assure the unnamed Minister who complimented me on my good taste and class by not mentioning him in the motion and let me assure other Ministers that this list is not exhaustive. The Beattie Government as a whole has been shown to be strong on rhetoric and light on substance, and the State of Queensland has paid the price. Never has Queensland known a bigger media junkie than Premier Peter Beattie, who holds press conferences on issues such as recycling his Christmas cards; however, with regard to the really important matters, this Premier has cost this State millions of dollars in job creating developments through his mishandling of the native title issue and his subservience to elements of the union movement.

If the Premier were relying on his ministerial team to deliver the substance he lacks, his strategy has been severely flawed, as we will outline tonight. The disastrous performance of the Labor Health Minister alone has been a severe embarrassment to this Government and is indicative of Peter Beattie's problems. If he were a decisive can-do Premier, he would have culled the dead wood from this team a long time ago. The fact that he has not done so comes at the expense of Queenslanders.

Health is one of the largest portfolio areas and touches on the lives of nearly every Queenslander. Access to the public hospital system in this State is particularly important, because residents in rural and regional Queensland do not have the choice of services that may be offered in the private health sector. The latest waiting list figures from the hospitals, which I believe were posted on the Internet last night, are timely, because they show clearly that, since the change of Government, Minister Edmond has proved to be more damaging than the millennium bug to the health of Queenslanders. Never has a Government had more money and achieved less.

The Premier claims a 6% surge in admissions to hospitals at a time when the Government has had a 10% increase in Federal funding in this year alone. The increase in hospital admissions is not new. There has been a steady increase for a long

time. However, the record increase in Medicare funding last year from the Federal Government was something new. It was a welcome increase of some $1.3 billion in funding to Queensland. This is a lot of money. But where has the money gone? Certainly, many hospitals around Queensland have not seen this increase, and that is evident in the blow-out in surgery wait times since the change of Government and the significant blow-out in hospital budgets.

The Royal Brisbane Hospital has something like a $14m budget blow-out; the Prince Charles Hospital, $1.8m; the Nambour Hospital, over $2m; Bundaberg, $1m; Toowoomba, $7m; and Redcliffe/Caboolture, $2m. So where has all of the increase in money gone? It certainly has not gone to the hospitals. Let us look at some of the waiting list figures for hospitals around Queensland. As at 1 July 1998—a relevant figure, because these are the last available figures that indicate the coalition's results in reducing surgery waiting times—at Bundaberg some 11.8% of patients were waiting too long on the Category 2, or semi-urgent surgery, list. As at 1 April 1999, under this Government, the figure had blown out to 32.8%. Some 140 people were waiting for longer than the clinically acceptable times for semi-urgent surgery and more than 50% of people on the orthopaedic surgery waiting list were waiting for longer than was clinically acceptable.

Bundaberg is an interesting story because we know that this Health Minister has presided over a downgrading of other services at the hospital with the closure of the general outpatients clinic. The hospital has experienced something like over a $1m budget blow-out and, as we have seen from the stress that the staff have been under, that has also been reflected in the resignations from the district health council. There have also been problems, as we know, with security issues at this hospital. Unfortunately, this Minister has failed to resolve the concerns of the staff of this hospital who have unfortunately been afflicted by several incidents recently.

Let us look also at the Gold Coast Hospital. It is a rather interesting one. As we know, because the hospital is in one of the fastest growth rate areas in Australia, it has been under a tremendous amount of pressure. But let us look at the wait times that the Labor Government inherited from the coalition for Category 2 semi-urgent surgery. At 1 July 1998, 18.9% of people waited too long for this type of surgery. Under the Labor Government, as at 1 April 1999 this had blown out to 35.3%. I read these figures because I have heard lie after lie from this Government about what it says it is doing to improve the surgery wait times in hospitals around the State. Yet the figures speak for themselves, that there has been a significant blow-out in wait times for people—vulnerable people—who have been waiting for this surgery and who do not have a lot of other options.

At the Gold Coast Hospital we saw a situation in which thousands of people marched in the street and 21,000 signatures were gathered on a community petition to "help our hospital", yet the Government came up with only a $10m package over three years, which the local community and health professionals labelled as a bandaid solution—as woefully insufficient. It amounted to an increase of 3.3% annually over the next three years when the Gold Coast population has been increasing at the rate of 5% to 6% a year. It means that the Gold Coast Hospital will be in trouble again in the next year and the following years unless the funding shortfall is addressed seriously and the appropriate level of funds is provided. That is why the coalition has called for an independent investigation into the workload of the Gold Coast Hospital in order to secure an appropriate level of funding.

Let us look at the wait times for Category 2 surgery at Mackay as at 1 July 1998. The figures that the Labor Party inherited from the coalition were no more than 3.2% of people waiting too long for semi-urgent surgery, yet under this Labor Government it has blown out to 13.7%. We see that nearly 50% of orthopaedic patients are waiting too long for their semi-urgent surgery.

Nambour Hospital also is in a similar situation in which the Category 2 surgery wait lists have blown out from 3.2% under the coalition to 13.7% under this Labor Government. At the Princess Alexandra Hospital we see a situation in which the Category 2 surgery wait times have blown out from 20.2% to 28.7%. This is reflected around the State. At the Prince Charles Hospital, the cardiothoracic surgery wait times have blown out. For people waiting for open heart surgery on the semi-urgent lists, more than 42% on the list are waiting longer than is clinically acceptable. That is 161 people on the Category 2 list who are waiting too long, and the story is the same around the State.

But let me tell the story about the honesty of this Government. These are a few of the figures that are on the public record, but what about the other figures that it has covered up?

We know that there is more that the Government is hiding in order to try to excuse its appalling mismanagement of one of Queensland's greatest assets—the hospital system. The abuse of the freedom of information rules by this Minister clearly highlights how the Government's claims of greater accountability are a farce.

After I lodged a freedom of information request for information pertaining to the public hospital waiting lists prepared for the Minister or director-general, Health Minister Edmond took some 38 piles of papers in and out the back door of Cabinet. The Minister's actions mean that significant material has been deliberately covered up using the Cabinet loophole, despite her Premier's assurance in the Courier-Mail on 13 July last year that "under his Government documents would only be exempted if they were of a personal nature or deemed to be commercial in confidence". The waiting list figures and also the waiting lists for outpatient services in Queensland are in the public interest, and it is a disgrace that this Minister has hidden them.

Let me also look at the industrial relations record of this Government. Health workers, hotel services and administrative staff at health clinics and hospitals throughout the north stopped work in February to protest about workplace discrimination. Those who took action were all members of the Australian Workers Union. They were demanding the same remote area incentives applicable to other Queensland Health employees. Queensland Health refused to pay staff members wage incentives, despite the high cost of living in remote areas.

Let me also look at the issue of the Mental Health Act. When answering a question on the Mental Health Act during the Estimates committee last year, the Health Minister responded that it had been in an advanced stage of review since 1993 and she was embarrassed that it had not been completed. Yet here we are in April 1999 and still no action has been taken, still no legislation is before the Parliament. Then let me look at the enterprise bargaining agreement. The Minister is so incompetent that when asked a question she could not tell the Parliament what the cost of the agreement was that she had signed off on. What Minister signs off on an enterprise bargaining agreement or wage increase without knowing how much it costs?

Time expired.

Hon. V. P. LESTER (Keppel—NPA) (6.05 p.m.): I second this motion with great relish. In less than 12 months the Beattie Government has managed to achieve what took the Goss Government some two terms. The Beattie Government has been long on rhetoric but its Ministers have been short on action. Its members promised to consult, but they do not listen, and only today I hear from the area of the tablelands that there are enormous valuation problems. Some valuations are up 600%, and the Minister will not meet with the people there. This Government promised to be open and inclusive, but its policies are developed behind closed doors. A number of committee chairmen, whose role it is to advise the Minister, have advised me that policies come on line and they have not even been consulted. The members opposite promised to be a Government for all Queenslanders, but the deals are done with the faction leaders, and industries and jobs are traded off for preference votes. Shame! They promised to not increase taxes and charges above the CPI, but they have done so, anyway. They promised to be a can-do Government, but the only thing they have demonstrated they can do is break their promises.

This Government, through the incompetence of its Ministers, its aloof and arrogant administration and its out-of-touch policies, has managed to galvanise Queenslanders in rural industries in a way that I have never seen before. Leading the charge has been the member for Everton, the Minister for Environment and Heritage and Minister for Natural Resources, who leaves a path of destruction around Queensland wherever he goes. Without one skerrick of proof he attacks graziers with ludicrous allegations that they are breeding dingoes for profit. While pests and weeds flourish in underfunded and understaffed national parks, departmental resources are instead dedicated towards buying more national parks and appointing another 60 Brisbane-based bureaucrats. National parks should be maintained before other parks are bought.

So catastrophic is the Government's administration of issues that are so crucial to the prosperity and future of our rural industries that I am afraid that this Minister will surely go down as the worst Minister for Environment and Minister for Natural Resources in the annals of the Queensland parliamentary history. Is there anything wrong with rural people making a profit? If they make a profit, they spend their money, and that is very, very important.

The Beattie Government has repeatedly claimed that it has not frozen capital works

since coming into office, but we have seen a mammoth freeze of a most exciting capital works program—the $1 billion water infrastructure program—a freeze of ice age proportions. Let us look at the check list: the St Helens Creek dam, axed; the Nathan dam, approval revoked, final decision delayed; the Finch Hatton dam, axed; the raising of the Walla Weir, delayed; the Paradise dam, no decision; the Cooranga Weir, delayed; and the Flinders dam, axed unceremoniously without telling any members of the council. What a sad, can't do record! Still on water, the Minister for Natural Resources refuses to guarantee fair compensation for those irrigators who will lose water security as a result of the water allocation management planning process.

Despite the Minister's claims, his approach is fair. I am yet to hear of one farm organisation or one solitary irrigator who agrees with him. The condemnation has been resounding. To see this we need only look at Country Life. On two occasions the Minister has been belted in the editorial.

The Minister also turned his attention to the Queensland forest industry, again armed with the so-called Labor transition policy, hatched by the Socialist Left and the extreme green agenda. We know what has happened there.

Mr Schwarten: Extreme green agenda!

Mr LESTER: That is what it has been. It is an agenda that will not help anybody. That is the truth. He has been advised by the greenies. It is not helping anybody. It is not helping the job situation. It is a pretty poor record. Indeed, under the previous Government there was a good spirit of cooperation that was widely acknowledged. Things were working very well.

Time expired.

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) (6.10 p.m.): The member for Maroochydore is intent on highlighting the achievements of the Beattie Labor Government in the Health portfolio, and I thank her for that. I will start with this Government's record $3.772 billion State Health budget. This Government allocated $128.8m, or 3.6%, more than the coalition was going to spend in its May Budget and $288m, or 8.4%, more than the coalition allocated in its previous Budget. That is a heck of a lot more than the increase in Commonwealth funding we got, for whatever year we look at. Every district received an increase in the amount of funding they received.

Record dollars do not mean anything if we do not improve and enhance health services for the people of Queensland. It is worth noting that hospitals received an increase in their recurrent funding of $63m under our Budget, compared with the $2m allocated by the coalition across all of Queensland for recurrent hospital budgets. And those opposite dare to stand there and say anything!

This Government committed $93.8m to new initiatives. In Opposition the Labor Party looked at health needs in our community—the gaps in the services and emerging problems—and in Government we responded. The Beattie Labor Government responded with an extra $79.9m, or 85%, more than the coalition Government allocated to meet these needs. We did not just whinge negatively, as those opposite do; we came forward with positive policy directions.

It gives me great pleasure to restate the Beattie Labor Government's initiatives and achievements in Health. Just this morning I informed the House how this Government is meeting its election commitments in palliative care. We are providing 10 times what the coalition Government promised to help this long neglected and cash starved area—$5.1m in the full year. This will mean more palliative care services in hospices and in the home, and respite for carers, instead of, as we saw under the coalition, dying patients on waiting lists for palliative care—waiting lists to be allowed to die with dignity. Do honourable members remember that disgrace under the coalition Government? I do. I raised that in this House when those opposite were cutting funding to palliative care.

This Government is focusing attention on the preventive side of health care, too, particularly in child and adolescent health. I make no apology for that. One child health worker told me that she thought this was the golden age of child health in Queensland. They are now doing all of the things they wanted to do to protect children and keep children well but did not have the resources for. Those opposite should be grateful, because it is happening and is supported on the Sunshine Coast, even if it is not supported by the member for Maroochydore. They are able to do all of the things they wanted to do, and they are simply ecstatic.

Our school nurse program is a highlight. Specially trained nurses will work with our young people in high schools to help them deal with the issues they face—drug and alcohol abuse, body image, sexuality, and suicide awareness and prevention—and the

Government is actively supporting Queensland parents with our free parenting support program, which will help them cope with the challenges of parenthood. This program has been internationally praised. The sole voice of objection to spending this money is the member for Maroochydore, even though her electorate was selected as one of the first 15 locations for this program. Later this week I will announce even more enhancements to that program. This Government is about tackling health and social issues before they take root and destroy Queensland's families. Honourable members would think that coalition members would support that, instead of constantly negatively whingeing.

In the mental health area we have allocated a further $29m to in-patient community-based services. An extra 200 staff are being employed to improve services and care for mentally ill Queenslanders, particularly in those neglected areas of Bundaberg, Roma, Emerald and Charters Towers that were so long underresourced. I plan to introduce a mental health Bill into the Parliament this year. This is just one of many pieces of legislation that stalled under the previous Minister. I found them all in the too-hard basket, the biggest piece of furniture in my office, which I threw out, along with the drinks cupboard.

Under Labor, the rebuilding of our hospitals and health services is back on track. This year we will be spending more than $600m—not underspending by more than $100m, as happened last year—creating 9,000 jobs. Honourable members should compare this with the coalition's dismal effort. Talk about the ice age! The freeze on capital works put our major projects months behind, blowing out the costs and slowing employment. In 1997-98 the coalition did not spend; it underspent by nearly $100m.

Time expired.

Mr DAVIDSON (Noosa—LP) (6.15 p.m.): Tonight I rise to speak in the debate on this motion to highlight the disastrous performance of the Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading. This is a Minister who got a taste of ministerial leather and went back and devoured the entire cow. This is a Minister who believed that it was her right to spend money willy-nilly—not on consumer education or Aboriginal communities, as would be expected, but on luxurious bathroom fittings and ministerial office upgrades.

The Beattie Cabinet consists of 18 Ministers, as did the previous Borbidge Cabinet. That means that when Labor gained Government there were 18 existing ministerial offices. When we have raised this issue previously, the Minister has claimed that hers is a new Ministry and therefore did not come with an existing ministerial office. However, what the Minister forgets or has not been intelligent enough to figure out yet is that in the Borbidge Cabinet there was a Minister for the Environment and a Minister for Natural Resources. In the Beattie Cabinet these two Ministries are the responsibility of just one Minister, who can occupy only one ministerial office at one time. So why did the Minister not occupy the vacant office of the former Environment Minister? The truth is that she did not think it was good enough for her. Therefore the Minister just dug deep into the public purse and spent an extraordinary $600,000, which could have been spent on consumer education or on Aboriginal and Torres Strait Islander communities.

If that was the only mistake of the Minister then the public may perceive that she was doing a good job, but this sorry saga does not stop there. The incompetence of the Minister for Fair Trading surfaced yet again for all to see, especially those involved in the building industry. Viewers of the Stateline program would have witnessed the Minister being caught out first-hand, trying to bluff her way through an in-depth interview on her own supposed reforms to the Queensland building industry. This was a performance that proves that Gwyneth Paltrow has absolutely nothing to fear from Minister Spence.

The Minister has also been a little less than truthful when it comes to the security of payment issue. In her ministerial statement on 4 March she said, "Our coalition predecessors dithered and did nothing constructive." However, in her press release on 2 March, the Minister acknowledged that the Labor package combines initiatives and elements of the 1997 ISC report prepared and introduced by the former coalition Government. In fact, five of the Minister's highlights of her alleged reform package outlined in her press release are initiatives announced by the then Public Works and Housing Minister, Dr Watson, in his release of the coalition's security of payment package on 24 November 1997.

I find it a bit rich for the Government to claim that we did nothing when it was Minister Spence who failed to meet her deadline and in fact broke a promise given to the people of Queensland by the Premier in an interview on Carolyn Tucker's program on 20 July 1998. He said—

> "We all know what needs to be done. Let's do it.
>
> ...
>
> We will make a decision on it and everyone will know exactly where we stand by the end of August."

This just goes to show just how much credence the people of Queensland can give to the words of the Premier and his incompetent sidekick. Gwyneth Paltrow has absolutely nothing to fear from Minister Spence.

In the background, bubbling away, was the farce of the $6,700 payment to a Labor mate. The Minister came into this Parliament during the last sitting, threw her hands in the air and accused Opposition members of knowing nothing about the separation of powers. She set herself up as the almighty, but this week we revealed that she had a 45-minute teleconference with Raelene Kelly on the day before the committee made a decision on the compensation pay-out. I have asked the Minister a number of times about her director-general's involvement with Ms Kelly. We have been advised that Ms O'Donnell had a lunch with Ms Kelly before this decision was made. That is the information we have.

Everyone in the Motor Trades Association is talking about the Minister. They put out a press release today. I suggest that the Minister gets a copy of it and reads it. They have no confidence in her administration of her portfolio. They are so fearful that the $55m fund is under threat. It is not the Minister's money or Government money; it is industry money. It is money that has been contributed by the motor traders and people in the real estate industry. We have a Socialist Left Minister in charge of the $55m fidelity fund. People in the motor trades industry are fearful that this Minister has opened up an avenue for every aggrieved person in this State who buys a car with which they are dissatisfied to make a claim on that fund. That is the real issue. I suggest that the Minister reads that press release. Those people are crowing from the walls that they have no confidence in her.

Why did Ms Kelly get compensation? Why did the Minister not offer Ms Loski access to that fund? She did not even pay her the courtesy of advising her that she had access to that committee. Given that the Minister allowed Raelene Kelly to access that committee, why did the Minister not advise Monica Loski that she had the same access to seek reimbursement for that used car?

Time expired.

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (6.20 p.m.): The advent of the Beattie Labor Government has been a breath of fresh air for Queensland when it comes to the management of natural resources and the environment. We are managing the State's natural assets and our environmental assets in a more responsible way than any Government in Queensland ever has.

The previous Government was a do-nothing Government for two and a half years. It achieved nothing. It ran down the Environment Department until it was a ramshackle, demoralised department that was able to contribute nothing to constructive Government. We have revitalised it. We have a new Environmental Protection Agency that is going to contribute to economic development in Queensland.

Mr Littleproud interjected.

Mr SPEAKER: Order! The member for Western Downs!

Mr WELFORD: It is going to contribute to sustainable industries and contribute to creating new jobs and more sustainable jobs for the future.

Mr Littleproud interjected.

Mr SPEAKER: Order! The member for Western Downs will cease interjecting.

Mr WELFORD: The new EPA will be complemented by a new Queensland National Parks and Wildlife Service that will see the magnificent natural assets of our State in our national parks and protected areas presented more professionally than they ever have been before—instead of having the service run down and demoralised, as it was under the previous Government. We will be refocusing the efforts and resources of the Queensland National Parks and Wildlife Service to make sure that the very best of our wildlife and our environmental assets are presented to Queensland in a way in which they have never been presented before. We are going to provide the people of Queensland with a better understanding and appreciation of the magnificent natural values that our State possesses and its great biodiversity, which we should cherish for now and future generations.

We have tackled issues that the previous Government never had the courage to tackle. Let me list some of the issues that our Government has been prepared to take on, which have been sitting around for years and which the previous Government assiduously avoided. Firstly, we have developed a master

plan for national parks to reallocate resources and get priorities in place. The previous Government threw money around at national parks capital works like confetti, with no sense of priorities. Most of that money was wasted, and the parks are no better off.

Mr LITTLEPROUD: I rise to a point of order. The Minister is misleading the House. The Borbidge Government put in place a 10-year plan for national parks. That was the first time that had ever been done.

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

Mr WELFORD: We have also moved to address issues that the previous Government never addressed. The issue of the acquisition of land at the Bayview estate in Redlands we have now solved with the Redlands council, whereas the previous Government was dodging it and avoiding it and trying to shirk its responsibilities. We have acted to protect Portion 238 in the area of the Logan City Council.

Mr LITTLEPROUD: I rise to a point of order. The Minister is misleading the House. The Government would not settle the Bayview estate because of the variation in valuations, so the Minister is misleading the House.

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

Mr WELFORD: The previous Government obviously could not resolve the issue. I have resolved it, and it is moving forward.

We have initiated a $400,000 cleaner production partnership program, which I was proud to announce last week. I opened the second Asia-Pacific international round table on cleaner production at the Convention Centre only last week—an initiative which will see this Government and its sustainable industries division of the new EPA at the forefront of developing new, sustainable industries and jobs in Queensland. That is the constructive and economic policy approach that the new EPA will take in our State.

We have got Cape York back on track by putting in place the CYPLUS plan, which the previous Government junked. It tried to ignore and reject the involvement of indigenous people in the cape region who have been there for literally centuries. We are going to get it back on track, and we already have. We have launched the wetlands strategy for Queensland. We have opened the Daintree boardwalk, developing a Daintree strategy with a $50,000 grant—shared with the Commonwealth—to put in place a planning study for the Daintree. We have new national parks. We have developed literally dozens of management plans which were languishing on the backburner under the previous Government.

Mr LITTLEPROUD: I rise to a point of order. I want to point out that the——

Mr SPEAKER: I hope that this is not a frivolous point of order.

Mr LITTLEPROUD: It is not frivolous, Mr Speaker.

Mr SPEAKER: I hope that it is not.

Mr LITTLEPROUD: There were more than 30 national park plans finished per year——

Mr SPEAKER: Order! That is not a point of order, and the member knows it.

Mr WELFORD: We have completed the Moura off-stream storage. We have got the Beardmore western cell back on track after the previous Government could not solve the problem. We are weeks away from solving the St George issue, which has been sitting around for years and which the previous Government could not address.

Mr NELSON: I rise to a point of order. Why does the Minister refuse to solve the problem of valuations on the tablelands? That is one issue that he has not addressed in his wonderful speech tonight, and one that is going to cause him a hell of a lot of heartache, I can assure him.

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

Mr WELFORD: We have put in place the first water compensation system in the State's history.

Time expired.

Mr LAMING (Mooloolah—LP) (6.26 p.m.): I rise tonight to speak to this motion and to bring to the attention of the House, as my colleagues have done before me, the disastrous performance of Ministers of the Beattie Government and, in my case, the particular failings of the Minister for Public Works and Minister for Housing.

What I would like to raise and highlight tonight are some of the more memorable policy blunders and broken promises by this Minister—like the broken promise to the senior citizens of the Sunshine Coast who were promised by the Beattie Labor Government, in its September Budget, that work would commence on an $8m high-rise seniors complex at Maroochydore this financial year. It is now almost the month of May, and what have we seen? Nothing! Zip! The Minister has not even settled on a preferred site, let alone

purchased the land on which the complex is to be constructed.

Eleven months ago, the coalition Government announced plans to build Queensland's first ever purpose-built multilevel accommodation for seniors and the disabled. It was planned to be six to eight storeys high, be within two kilometres of the heart of Maroochydore and cost $8m. It would house up to 90 people and address the challenge of 275 people who were on the waitlist at that time. Now, nearly 12 months later, this important project is no further advanced. The only advance has been the seniors waitlist, which has climbed to a staggering 325. While nothing at all appears to have happened in the first six months of this Government's incumbency, this year has been little better, with no firm decisions made or commitment given. It is not just a case of bricks and mortar or missed deadlines. A community expectation has naturally built up among the many seniors on the Sunshine Coast that this building would have at least commenced by now.

I am advised that many elderly people were living in substandard accommodation while anything reasonable in the area was virtually beyond their means. It has now become obvious that this project is most unlikely to even be commenced this financial year. And unless the Minister gets a move on, even the site will not be secured before 30 June. As we are now looking at months and months before this project will be completed, I call on the Minister to announce what plans he has to accommodate those seniors on the Sunshine Coast waitlist in the short term. There is little doubt in my mind that, had Labor not come to power last year, this project would be well under way. And it should be remembered that this is the Minister who prances around Queensland claiming the virtues of job creation from his capital works expenditure—expenditure that he has not put into this project and expenditure that will not now create jobs. And why will it not create jobs? Because the Minister, in a vain effort to expend his capital works budget, so as to avoid an underspend, will spot purchase houses—spot purchases that will not generate jobs, except maybe for a receptionist at a real estate agent's office. Such purchases may provide some housing stock for seniors, but will be an example of this can't do Government.

The Minister has already proven that he has problems in calculating job creation figures. As the Opposition has raised previously in this House, the Minister was a willing participant in a deliberate Government cover-up to prevent the truth surfacing about the fraudulent job creation claims associated with this Government's capital works budget.

However, what about policy blunders of this Minister? Let me turn the attention of honourable members to the abolition of the Community Housing Grants Board. The Minister disbanded the board last year despite departmental advice that rural Queenslanders were quite happy with its operations. He reclaimed ministerial control of all grant allocations so that he can continue the old Labor practice of highly political allocation of funds.

He has since written to a number of housing and community organisations seeking their nominations for a new body to help develop policies and priorities. These are organisations that may, through their membership, represent sectional interest groups rather than the broader interests of all Queenslanders.

One also has to consider the bureaucratic blunders overseen by this Minister. What about the home invasion issue that I raised today in the House? This was an issue involving a woman who became a victim of crime not once, but twice, because of maladministration by a commercialised business unit within the Minister's portfolio. This was not just a robbery. The loss of personal and sentimental items, such as family photographs and videos, is quite distressing to anybody.

What has happened to the priority housing system? The Priority Housing Committee was disbanded. Who is now the arbiter of appeals in this most important aspect of public housing? That is an example of this can't do Government.

Time expired.

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) (6.32 p.m.): This debate tonight is no more than a political stunt and no-one has made that more obvious than the member for Noosa, whose hysterical outburst in this place was not only shallow, trivial and offensive but also revealed what a policy-free zone he and the Opposition are on the issues that are of importance in my portfolio.

This year the member for Noosa has scored some cheap political points in the media—I will give him that—on a few issues concerning what is in my bathroom and a rusty utility. However, his fascination with political

exotica is not shared by the electorate of Queensland.

As Minister, I have been out in the community talking about issues that are of importance to the people of Queensland. I have been dealing with issues such as retirement villages—an area which the previous Government could not fix up even though it tried. I have been involved in the rewrite of the Auctioneers and Agents Act—another failure by the previous Minister and his Government.

Whilst I have been out in the community holding forums and talking with interested parties about issues as important as Queensland's real estate industry, day after day the Opposition has been talking about a $6,700 claim for a rusty old utility. So far this financial year approximately $870,000 has been paid out of the Auctioneers and Agents Fidelity Guarantee Fund to Queenslanders—last year it was nearly $1m. I guess it will top $1m this year. While that money goes out of that fund, the member for Noosa stands here day after day and talks about a $6,700 claim and attacks the committee.

Whilst I have been out in the community reforming the Building Services Authority—something that the previous coalition promised Queenslanders but failed to do—the Opposition has nothing to say on the matter. Let us talk about the Building Services Authority, because this evening is the first time that I have heard the member for Noosa acknowledge its existence in my portfolio.

The previous Government left Queenslanders with an annual $3m debt for the Building Services Authority. Last year the current Leader of the Liberal Party had to go to his Treasurer and ask for $3m to pull the Building Services Authority out of its financial debt. He did not get $3m from Mrs Sheldon; he got $1.5m. The Building Services Authority's debt is spiralling because of the previous Government's inaction. This is something that this Government addressed in its first nine months in office. What hurts those opposite most of all is that they know that our reforms have the support of the building industry in Queensland.

The Fair Trading aspect is only one part of my portfolio. The other section of my portfolio deals with Aboriginal and Torres Strait Islander policy. What have we heard from the Opposition on that part of my portfolio? The Opposition does not even have a shadow Minister on Aboriginal and Torres Strait Islander policy matters. Such is the Opposition's contempt for Aboriginal and Torres Strait Islander Queenslanders that——

Mr DAVIDSON: I rise to a point of order. I find the Minister's remarks offensive and ask that they be withdrawn.

Mr SPEAKER: Order! There is no point of order. The remark was not directed at the member personally.

Ms SPENCE: I do not know why the member finds it offensive. Such is the Opposition's contempt for Aboriginal and Torres Strait Islander Queenslanders that it does not even bother shadowing that particular department in my portfolio.

Mr LESTER: I rise to a point of order. I find those remarks offensive. Who is going to be debating the Bill that is coming up very shortly?

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

Ms SPENCE: If the member for Keppel is announcing tonight that he is the shadow Minister, I am sure it is a revelation to everyone in this Chamber.

That is not the only section of my portfolio about which the Opposition has been silent. Those opposite have also been silent about the issue of women's policy. The previous Government had a policy-free zone as far as women's affairs were concerned. My women's affairs policy unit has been involving itself with the Women in the Criminal Code Task Force, as I have myself. We have been talking about women and reconciliation. We have been talking about sexual assault——

Time expired.

Mr QUINN (Merrimac—LP) (Deputy Leader of the Liberal Party) (6.38 p.m.): It is a matter of public record that the Minister for Education is, at best, somewhat accident-prone. He was the first Minister in this Government to miss a parliamentary division, the first to be caught misleading the House and the first obliged to apologise for doing so. His tangle-footed performance epitomises the Beattie Government's can't do approach to public administration.

Mr WELLS: I rise to a point of order. The proposition about misleading the House is untrue, offensive and contrary to the report of the Privileges Committee, whose time the honourable member wasted by sending the allegation there. I ask that the allegation be withdrawn.

Mr QUINN: If the Minister finds it offensive, I will withdraw. The Minister still had to apologise to the House, and he did it in the

shortest possible time. As the Leader of the Opposition said, it was the shortest apology on record.

It is almost a year since the Minister froze Education Queensland's progressive transition to school-based management through the Leading Schools program. It is almost a year since he abandoned our blueprint for reform in favour of his own pale imitation. It will be a year to the day before his watered-down model of school-based management finally takes effect on 5 July. Under his administration, time has effectively stood still.

The Minister has tried to conceal this hive of inactivity by announcing an all-new, whiz-bang talkfest extravaganza called The Next Decade—2010 and Beyond. Those of us who were around in the mid 1980s will recall the Education 2000 project, which basically sank without trace. This is a carbon copy. The issues canvassed in the Minister's glossy little brochure have been around for more than a decade.

The last thing that our 1,300 schools and 460,000 students need is more talk. They want to know what the Minister is doing for them today—not tomorrow, not next year, and certainly not 10 years down the track. Talking about taking action is not the same as taking action. Talking is not doing. Our schools and students want to know what the Minister is doing about literacy and numeracy today. They want to know what he is doing about school discipline today. They want to know what he is doing about classroom computers and learning technology today. The answer is—precious little!

As if that was not bad enough, it has become increasingly clear that this Minister is hell-bent on destroying the National Literacy and Numeracy Plan. He has thumbed his nose at all the other Education Ministers in Australia who are working to develop national benchmarks by which we can assess the success or otherwise of what we are doing in the classroom. For some reason or other, this Minister does not want us to know how Queensland students are faring compared with those in other States. Like the rest of his can't do colleagues, he is full of excuses, excuses, excuses. According to the Minister's revisionist version of history, Queensland should never have agreed to national benchmarking—and it is all my fault! It is the fault of the coalition Government. If the Minister is going to hide behind excuses, at least he should make sure that they are good ones.

The odd man out is not me, it is the Minister. He is the only Education Minister in Australia who has gone totally to water on this task. The Minister also seems to have suffered from a severe memory loss. Just a few months ago, the Minister was an enthusiastic supporter, an enthusiastic advocate, of the national benchmarks. This briefing paper from last year's Budget Estimates committee hearings makes repeated references to the national benchmarks, along with top testing priorities for both numeracy and literacy in 1998-99. These are the Minister's own notes prepared on his authority by the Queensland Schools Curriculum Council. There are nine separate references to the national benchmarks on this one piece of paper, and all of them are positive. The Minister knew the hurdles and the challenges of national benchmarking as well as every other Education Minister in Australia. So his whingeing and whining is just good old fashioned camouflage.

We all knew that each State had different entry ages, different starting times, different curricula, different tests, different testing timetables and different reporting formats, just to list some of the complexities. Nothing has changed. However, all the other Ministers are sticking to the task, because they know how important it is that each State be able to report nationally and compare their progress against the national average so that we know where we are. We cannot have policy without data, and this national benchmarking exercise is designed to provide the data to the States so that they can make sure that they target their resources. Without the data, we have blind Freddy leading the group.

Time expired.

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (6.41 p.m.): Since the members opposite are so interested in ministerial offices, I thought that I would bring a plan along to show the detail to which they went when they were in Government. This is a plan of former Minister Hobbs' office, with his signature on it approving the Grecian bathtub approach to ministerial offices with its lovely Grecian columns and so on. I will table that plan. However, there is more. The former Minister was not content with one toilet roll holder; he had to have two. He was not content with not having a hair dryer—and I would like to know why he needed a hair dryer; he would need one as much as I would—but he had to have one installed. He signed off on those plans; his signature is at the bottom.

The point is that $999,000 was approved and signed off by Minister Ray Connor for a

floor in Mineral House. When this Government took control of this State, we gave an instruction to save money. We outfitted a floor in the same building for $400 per square metre cheaper—$595. The member who raised this matter previously occupied an office that cost $545 per square metre. So let us end the hypocrisy right here and now on that particular issue, because the people who really got their snouts into the trough when it came to fitting out were the members opposite. They cut down a couple of rainforests to fit out former Minister Hobbs' office.

I am delighted to debate the motion, because it gives me an opportunity to put on record the sorts of efforts that we have gone to and the sorts of results that we have achieved. It is a shame that Vaughan Johnson is not present in the Chamber. I am sure that he is going to dodge the vote on this motion, because the reality is that——

Mr Borbidge: He's got the flu.

Mr SCHWARTEN: He would not want to vote against this motion, because it refers to me. This Government allocated $236,000 to fix the Pioneer Village out at Longreach. Those members opposite had old people living in hovels. Labor has not held that seat for 40 years, yet we allocated $236,000 as part of our community consultation in that area. Vaughan Johnson rang me about a problem regarding a teacher out at Alpha. I shifted a house to there from Blackwater.

Mr SPEAKER: The member for Gregory.

Mr SCHWARTEN: My apologies, Mr Speaker, the member for Gregory. They are the sorts of issues that our Government tackled. We airconditioned houses out in western electorates that Labor does not hold. They are the sorts of issues that we are getting on with. We have created 600 building apprenticeships via the HITT scheme. That initiative was never entertained under the previous Government. It would not have had a ghost's chance in hell of succeeding. Yet thanks to the HITT scheme that I have introduced, 600 young Queenslanders now have the chance of becoming construction apprentices.

I refer to the boarding house program and the seniors program. Fancy the members opposite getting up in this place and talking about seniors! What a hide they have! When they were in Government, seniors were vulnerable because of a lack of security in their accommodation. I found $4m to put security onto those seniors' accommodation—something that the members opposite would never ever have done. When they were in Government, they busied themselves by flogging off all the best parcels of land in this State, because they said that it was too good for people in housing commission houses to own.

I approved a $2m expansion of the Home Assist and Home Secure Programs so that it would help vulnerable people Statewide. More than $750,000 worth of upgrades were made to a number of St Vincent de Paul hostels. There was $4.5m allocated to youth housing and of the 15 projects, 10 of those were located in regional Queensland—the very people whom the members come in here and posture about and say that they represent. What rot! Then there is the Abbeyfield project in Babinda, which will look after the elderly people of that area. Because of the consultative nature of our Cabinet, when we went to Edmonton, I sat down with the people of that area and we prepared a plan. Those people had been to see a number of previous Ministers—the two jokes who the members opposite had occupying that particular portfolio for a start; and I will not go into too much detail about how one of them had to be dropped—and those previous Ministers gave those people the complete wipe. The very people about whom I am talking have never voted Labor in their lives, but they got a better hearing out of this Government than they ever did out of the former Government. The list goes on and on. There was $173m allocated for a five-year program in Aboriginal communities to upgrade their accommodation.

I tell members opposite right now: there is just no way that they will ever hound me out of office with their disruption and disreputable behaviour. The fact of the matter is that we have the runs on the board. We have things such as prequalification in the Queensland system—something that the members opposite talked about, barked about and howled about but, at the end of the day, did nothing about. The fact of the matter is that, when it comes to the construction industry, the members opposite have an absolutely appalling record. For example, in terms of apprenticeships, the members opposite tried to get rid of Q-Build.

Time expired.

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (6.46 p.m.): I would like to thank the honourable member for Maroochydore for the great honour that she has accorded me by including me in the list of those members she moved to censure tonight. I would not want to have been one of the

Ministers that the honourable member for Maroochydore thought was okay.

In the history of Westminster Parliaments, there are times when the spellbinding oratory and the insightful analysis of honourable members on the Opposition benches has brought down Governments.

Ms Spence: Not tonight.

Mr WELLS: This is not such an occasion. There are Opposition members of Parliament whose calibre, tenacity, verve and fire has inspired nations and States. These are not such Opposition members of Parliament.

We have heard from the honourable member for Currumbin lines that have been fed to him by Federal sources. He was on about the national literacy benchmarks. He said that Queensland was the only State that did not go along with it. Sure, we stood alone against the rest of Australia in a national literacy benchmark exercise that would have discriminated against Queensland children. Why is the honourable member for Currumbin miffed about this? Because he signed up for it.

Mr SPEAKER: It is Merrimac, Minister.

Mr WELLS: I am sorry, Merrimac.

Mr Borbidge: Is Merri upset, too?

Mr WELLS: No, she is a wise and insightful member of Parliament.

The member for Merrimac signed up for a national literacy benchmarks exercise that sent in Queensland's seven-year-olds to compete against eight-year-olds from the rest of the Commonwealth. He signed up for an exercise in which, in some jurisdictions, the Catholic schools were in and in some they were out; the independent schools were in in some jurisdictions, and in some of them they were out; indigenous children were in in some jurisdictions and in some of them they were out. In this national literacy test, the same questions were not asked. Maybe that last one could be accounted for by some statistical device. However, that national literacy test did not even ask the same questions in the same way, or different questions in the same say. Sometimes the test had short answer questions, sometimes it had open-ended questions, sometimes it asked students to choose between one and three, sometimes it asked students, "How do you spell?", and sometimes it asked, "What is the correct way of spelling it? This way, this way, or that way?" They were different sorts of questions. They were guaranteed not to get answers that could be standardised across the Commonwealth.

Mr Quinn interjected.

Mr WELLS: I am sorry, I hate to interrupt the honourable member for Merrimac.

Mr Quinn: Why do all the other States think they can do it and you think you can't?

Mr WELLS: The other States are in a different position from Queensland. Most of them have Liberal Ministers for Education who are perfectly capable of being talked into something by David Kemp. I am not afraid to stand up to David Kemp. I am also perfectly prepared to cooperate with him on occasions when we have a joint interest. However, I will not see Queensland's children discriminated against by some shonky, half thought out exercise in national benchmarking. We are committed to national benchmarking, but only if it is done on a fair basis and does not discriminate against Queensland children. We will not cop it. We will not accept what the honourable member for Merrimac signed up for.

The honourable member for Merrimac raised a few interesting questions. He said that people want to know what we are doing about literacy and discipline in schools. I can tell him: $17.5m extra has been provided in the current budget for literacy in schools. When the honourable member for Merrimac was the Minister, he actually cut literacy funding to Queensland schools. We have increased that funding by $17.5m for one-on-one education by teacher aides.

Do members know what the honourable member for Merrimac did when he received a report from the Queensland Schools Curriculum Council that showed that there was a crisis in literacy as far as boys were concerned and that there was a dramatic difference between the literacy levels of boys and girls? He lost it! He did not even give it to his department.

Mrs Edmond: He put it in his too-hard basket.

Mr WELLS: It was probably in the too-hard basket. The very best colour that we can put on it is that he lost it. Maybe he even hid it. One way or another, it did not even get to his department. We acted on it.

Time expired.

Question—That Miss Simpson's motion be agreed to—put; and the House divided—

AYES, 40—Beanland, Black, Borbidge, Connor, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Goss, Grice, Healy, Hobbs, Horan, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

NOES, 46—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, E. A. Cunningham, J. I. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Kingston, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

Pair: Reynolds, Johnson

Resolved in the **negative**.

Sitting suspended from 6.57 p.m. to 8.30 p.m.

TRANSPLANTATION AND ANATOMY AMENDMENT BILL

Second Reading

Resumed from 14 April (see p. 1130) on Mr Turner's motion for the second reading, to which Miss Simpson had moved an amendment.

Mr NELSON (Tablelands—IND) (8.30 p.m.): Tonight I will keep my contribution brief. I am a little alarmed at the amazing rate at which the speaking list to this Bill dried up. I have some concerns and reservations, which I will refer to later tonight. I had written down a list of points to address. However, I will cut those short.

A point made in some of speeches of members from this side of the House concerned the ability of in-laws and family to make a decision for 17 and 18-year-olds who are getting their licence. A 17 or 18-year-old who obtains their driver's licence in a sober state of mind and body and who is of sound mental health should be able to make the important decision about where their organs will go in the future. We all remember what it is like to be that age. Some children may not accept the decision of their parents as a guiding light for the rest of their life. As a young person, I certainly go against some of the judgments of my parents on a lot of occasions. I am certain that a lot of other members of the House would be the same.

The inference that can be drawn is that a person who obtains their licence would not know what they are doing or would not be able to make a firm judgment about whether they want their organs donated. That is absolutely ludicrous. A driver's licence is a legal document. It is sufficient proof of identity to obtain a passport. It is an important piece of documentation that should be carried with us at all times so that it can be presented to police officers if we are pulled over. Therefore, it is important that the parts of the Bill that the member for Thuringowa put forward dealing with that matter should be accepted and passed.

On another point—I am a little concerned at the delay caused by sending this Bill to another committee. Let us face it, the Parliamentary Counsel drafted it. It is legal. I do not see the massive need for change that other people see. As I said, a driver's licence is sufficient proof of identity in respect of other matters. It should be sufficient for us to have this indication on our licence: "I want my organs donated." People obtaining a driver's licence are of a legal age and should be allowed to make that decision. It is as simple as that.

Even though I know we might be berated for it, sometimes the simplest answers are the best. One of the principles by which I have led my life is: keep it simple, stupid—the KISS principle.

An honourable member: You should be an expert on that.

Mr NELSON: I am no brain surgeon, but I can tell the honourable member that keeping it simple keeps us out of trouble and sometimes it is the best policy. Any massive changes or redrafting of the Bill will cause delay. That delay will mean one thing: more people will die in the intervening period. I could not live with that on my conscience. I could not rightfully say that, for the simple fact of having the Bill redrafted so that somebody else can claim credit for it, I could summarily sentence people to death. Members opposite bridle at the thought of the death penalty. However, by adding further delays to the system and by making some outlandish comments such as, "The Department of Health was already looking at it", all that does is commit a few more people to die in the intervening period. That is all the Government has done.

This Bill is good and just and I believe that it should have been passed by the House. After hearing some of the rhetoric from members on both sides of the House, I honestly believed that it would be passed. Rightly or wrongly, at least the amendment to send this Bill to a committee did not kill off this Bill. That is fair enough. I hope that the committee looks at it seriously and does not try to change the heart of the Bill and does only what it says it was going to do, which was tidy up the edges and make sure that it is all legal, even though I firmly believe that it is.

Most of us hold a driver's licence. Those who do not should put up their hands; I will lecture them on what it is all about. The whole

point is that a driver's licence is a legal document. The applicant, in a sober state of mind, passes a test and then indicates, "Yes, I want my organs donated." Who has the right to say that that is not proper? I conducted a small poll. I do not have all of the results with me at the moment, but some 99% of the people I asked thought that it was legal and binding when they ticked the box.

Mr Lucas: Anecdotal.

Mr NELSON: Many of the people I spoke to said, "Isn't it legally binding?" I said, "No, apparently it isn't." I must confess my ignorance. When I ticked the box, I thought that it was legally binding. I thought that I had expressed my will. Is the community in general a bit ignorant of the laws of this State? Should we go along with what people thought in the first place? I do not think that we would be upsetting too many people if we did. Most of the people to whom I spoke—and I am sure that the honourable member would find the same thing in Lytton—said that they thought it was binding. They did not know that it was not binding. I know that ignorance is no excuse in the eyes of the law. However, in all sincerity——

Mr Lucas: We will make an exception in your case.

Mr NELSON: Fair enough. I am no lawyer or accountant and I am not about to say that I am. However, I feel that this Bill truly had the potential to legislate in respect of something that people already believed to be true. I certainly would have given it my full support if it had gone through all stages. I hope that the committee takes into account that the Bill is drafted in a sincere attempt to make a particular change in the community. Let us face it, everyone has their own beliefs. However, when we are dead, we are dead. Our organs will not do us any good in whichever other world we think we are going to. Regardless of whether one is a Christian, a Muslim or a Buddhist, those organs will not do us any good. We should leave them here where they can help people. Our driver's licence is a legal document. Let us use it to its full potential. I do not see any problem with that, and neither do most of the tablelanders to whom I speak.

Mr KNUTH (Burdekin—IND) (8.37 p.m.): I agree with the member for Tablelands about the lack of enthusiasm of members in this Chamber about this Bill. I think the Bill in its virgin form is a good one and I can see no reason why it should not be passed.

Every so often we are confronted with a Bill that can make a heartfelt difference to humanity, a Bill that can provide the greatest gift known to man—the gift of life. This organ transplant Bill is one of those rare proposals that in no uncertain terms will save lives. When that chance is presented, there can be no excuse for delay, no valid argument why human life should play second fiddle to party political jealousies.

If somebody indicates on their driver's licence that they would be honoured to donate an organ in the event of an accident, what right do we have to take away that honour and choice? I believe that the next of kin, in the bleak haze of grief and mourning following an accident, do not have the rational thought processes required to sensibly override the desire of their loved one. If I tick the "yes" box on my licence application and indicate that I want to be a donor, I would be honoured to know that there was a chance that my choice could allow another to live and that, at the same time, a part of me might live on as well.

This Bill has been long overdue and we must all vote to make it effective. Every day lost can mean lost lives. Honourable members should think about this. Some 3,000 Australians are waiting for an organ donor—3,000 lives in limbo, plans on hold, lives dogged by a cloud of uncertainty and the cruel wait for a suitable donor. We now have a chance to tear down just one of the hurdles which can stand in the way of Queenslanders suffering the cruel bite of desperation. Australia has a well-won reputation of being at the forefront of medical research. We constantly impress the world with our medical achievements. However, unless these advances are utilised domestically at every available opportunity, we are letting down patients.

As I stated, Queensland has no set guidelines for the acquisition of organ donations. A simple tick on a driver's licence is not enough. We now have a chance, given the experience in South Australia, to double the number of organ donors per million of population when compared with the national average. I am not saying that we must follow the example of the South Australian Organ Donation Agency verbatim, but we must have some legislative framework in place to allow similar aspiring Queensland agencies to get off the ground. To a patient waiting for an organ, these agencies are like guardian angels watching over them and searching for the next miracle of medicine. We, the politicians, must give these angels the wings they need.

Our existing lack of legislation is at fault and it is a legislative void with blood on its

hands. Enough is enough, let us right the wrongs and save lives. I have gone through this Bill with a fine toothcomb and can find no faults, no cracks which warrant a rejection. Queenslanders should treat with utter contempt any member who allows the parry and thrust of normal party life to interfere with the smooth passage of this Bill.

Honourable members should imagine their own adult child having just two months to live unless a suitable heart donor is found. The doctors tell them that the odds of such a match are not good, but there is always the chance, albeit a slim one, of striking a match. A suitable donor is then admitted to accident and emergency and the doctors know that the patient will not pull through. The potential donor has indicated on their licence that they want to donate an organ—the chance for one last act of kindness which will inspire a lifetime of reverence towards that human being. Imagine how honourable members would feel if that final wish was robbed thanks to a bunch of bigoted party politicians who recklessly play chess games with people's lives.

Mr Lucas: Have you indicated "yes" on your licence?

Mr KNUTH: Yes, I have, actually. The member for Lytton has raised a good point, and I am quite happy and I am proud that he has ticked "yes" on his licence. As the willing donor's unused heart——

Mr Lucas: I am even willing to donate to you.

Mr KNUTH: Will the member? I am honoured that the member for Lytton would donate his organs to save my life. I think that that is the highest tribute that a man can achieve.

As the willing donor's unused heart dies in that emergency ward, so too dies any semblance of honour, respect and dignity associated with the party which opposes this Bill. Then, as an honourable member's own child dies through lack of an organ donor, they should be prepared to search their soul for eternity for the answer to why any Government could be so heartless and cruel. They will keep searching aimlessly because there is no answer to why this Bill should be blocked.

As the member for Thuringowa stated, Australia has the lowest rate of organ donations in the Western World, with patients remaining on waiting lists for up to five years. One in five will die before a donor organ becomes available. We are already lagging behind other First World countries on this issue, and I personally believe that it is an indictment on this Government and former Queensland Governments that such a Bill was not passed sooner. We have a moral obligation to every patient dying of an illness such as heart disease, leukaemia, kidney failure or lung disease to pass this Bill.

I believe that it is a shameful act to steal the laurels of praise from a member of Parliament who richly deserves the honour and the credit of this organ transplant Bill. To me, the Beattie Government has absolutely no reason to reject this Bill, except on sinister grounds. It has its own devious, scurrilous, immoral reasons to reintroduce the same Bill at a later date to glorify itself to the Queensland public and say, "Look how good we are. Look what we have produced for the benefit of Queensland." It will happen. I can see it coming. I place on record that I brought this up. It will happen down the track and I will be the first to go to the media and say, "Look what I said in Parliament months ago."

Should a bolt of selfish narrow-mindedness strike members of the Labor Government and this Bill fails to pass, rest assured I will bellow loud and strong to all concerned if an almost identical Bill is floated before this House in the future. I warn honourable members now that hypocrisy will be my catchcry, and God help the party at which my finger will point. To have lost lives due to political inaction or an oversight is one thing, but to lose lives due to petty political agendas would be a far greater slight on the wellbeing of Queenslanders.

I pray that the media is here tonight—is here right now—to take this in and prove to the people of Queensland once and for all the deceitfulness of the Beattie Government. This Bill should and must be passed, and it is Labor which has that power. The vote can prove Labor either has a heart and fosters an environment of voting on rational, compassionate, moral and ethical grounds or is heartless, insensitive, overbearing and downright selfish. A vote for this Bill is a vote for life. A vote against it is one that should dog the conscience of the person who cast that vote for eternity.

Mr LUCAS (Lytton—ALP) (8.45 p.m.): It gives me some pleasure to make a contribution to the debate tonight because the issue of organ donation and the wish to increase the level of organ donation in this State certainly is a very important issue. I say to the member for Thuringowa that I do note his genuineness in raising this issue. I think a number of his colleagues ought to take a leaf out of his book, at least in terms of looking at

issues that the mainstream of Queensland would be concerned about. I do agree that the mainstream of Queensland would have a very considerable interest in this issue.

An honourable member interjected.

Mr LUCAS: The member opposite has an interest in Heiner. He is obsessed with Heiner. That is what his level of obsession is: nuances and frolics and conspiracy theories.

I certainly will give the member for Thuringowa some credit in terms of looking at an issue that the mainstream of people in Queensland certainly have an interest in. When I asked him earlier, the member for Burdekin said that he has indicated on his licence that he is a donor, as I have on mine. I hope that if and when I die——

Honourable members interjected.

Mr LUCAS: People are too eager to jump into the debate. If they listen, they might learn something. If, when I die, my body is suitable for donor use, I hope that I can be of some use to someone. I think that would be a very admirable thing to do. I know that some members on the other side of the House have already commenced the donation procedure by removing a few of their vital organs, that is their brains, but it is a very important thing for people to be able to make a contribution to their fellow members of society by allowing parts of their body to be used for donor purposes.

However, the fact is—and one has only to look at the media—that a number of problems have arisen as a result of donor situations. That does not mean that, at the end of the day, we do not do something about that. I have no problem with that at all. But if we are going to do something that is emotive and about which there is a range of opinions, it is important to do it properly. We are not here to cobble something, whack it in, see how it goes, "sounds like a good idea at the time", in this place we are legislating for things that last—things that are serious, things that will happen. It would be great if we could introduce legislation into this House that said that we will have no poverty tomorrow and we will have full employment and that sort of stuff, but we cannot. Government is far more complex than that. That is what we want to do. We want to make sure that when we do something about this, we do it right. If we do it right, we will not have the terrible situation that sometimes occurs in relation to donors about which we have read.

I have four young children and I would be mortified if they were in a situation in which they needed an urgent transplant of an organ and, due to a lack of organs, they were not able to get them. Of course no parent could live with a situation like that and be happy with it. However, the fact is that as a parent I can also understand that some parents have real problems when they are in the middle of a grieving process and someone comes to them and says, "Look, we would like to remove some organs from your child."

Mr Nelson: A four-year-old kid would not have a driver's licence.

Mr LUCAS: But the whole issue is what is important.

Mr Nelson: No.

Mr LUCAS: We do not do things in a piecemeal fashion. The member for Tablelands might. He might have legislation by coffee room discussion, but we——

Mr NELSON: Madam Deputy Speaker, I rise to a point of order. I find that offensive and ask for it to be withdrawn.

Madam DEPUTY SPEAKER (Dr Clark): Order! The member has asked that the member withdraw those statements that he finds offensive.

Mr LUCAS: That he has legislation by coffee room discussion?

Mr NELSON: Point of order, Madam Deputy Speaker. I do not think he needs to repeat it. I find it highly offensive and ask that it be withdrawn unequivocally.

Mr LUCAS: Is that what the member finds offensive? I am sorry: I do withdraw that if he finds it offensive. We on this side of the House do not believe in legislation by whim. We believe in legislation that is well considered and well thought out, because we deal with very serious issues.

As I said before, as a parent I can see the problem I would have if any of my children needed an organ but, thankfully, I have never been in that situation. Nor have I been in the situation in which my children are on a life support system——

Mr NELSON: Madam Deputy Speaker, I rise to a point of order. The member is misleading the House. Children do not have drivers' licences; adults have drivers' licences.

Madam DEPUTY SPEAKER: Order! There is no point of order.

Mr NELSON: There is no provision here for children to have their organs removed by ticking a box on their driver's licence. It is ludicrous.

Madam DEPUTY SPEAKER: Order! There is no point of order. The member will resume his seat.

Mr LUCAS: I say to the member for Tablelands: it is better to have people suspect that you are a fool than be convinced of it.

Mr NELSON: Point of order, Madam Deputy Speaker. I find that highly offensive and ask for it to be withdrawn.

Madam DEPUTY SPEAKER: Order! Which words does the member find offensive?

Mr NELSON: The words that he just used about the member for Tablelands being a fool.

Mr LUCAS: I did not say that at all.

Mr NELSON: The member is misleading the House. That is exactly what he said. We could get Hansard to read it back right now. That is exactly what he said.

Madam DEPUTY SPEAKER: Order! The member for Lytton has been asked to withdraw words that the member for Tablelands has found offensive.

Mr LUCAS: I will withdraw those words in deference to the Chair and in the interests of proceeding with the debate.

I do not know what it would be like to be in the situation of one of my young children, or my spouse—my spouse is well over 18—being on life support and me having to make the decision to turn the machine off and donate the organs. I do not want to be so presumptuous and arrogant as to start pontificating about what people should think in that situation. I actually think we should do a bit of research. I think there would be nothing better than to remove this issue from politics and look at it on a bipartisan basis so that we can actually legislate to make sure that decisions are made in people's best interests and that decisions are thoroughly thought out.

If the One Nation members and their fellow traveller Independents have a different view, that says more about their legislative skills than anything else. This is a very important issue and I think what is proposed by the Minister will give the House the opportunity to give the matter due consideration. I hope that we do end up in a situation whereby we can smooth over the issue of organ donation and increase the level of organ donation.

Using the logic of certain members opposite, if we really want to increase the level of organ donation we should adopt the US system where people pay for organs or the system of some of the Third World countries where people have their organs ripped off them! The member for Thuringowa has raised some very important issues that are worthy of very serious consideration, and he and the people of this State who are the potential beneficiaries of organs are owed the opportunity for this House to develop a considered view.

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (8.53 p.m.): I rise reluctantly to contribute to this debate. I have to say to my learned colleagues who sit at the back of the Chamber: the last two speeches I heard from Independent members were completely over the top.

I congratulate the member for Thuringowa on bringing this debate into the House. I think it is a debate that had to be had. Most of the contributions that have been made by members on both sides of this House have been very positive. I think the previous speaker summed it up when he said that we are dealing with emotive issues.

Before we go any further, I state that I have consented to being an organ donor. I have discussed with my family what arrangements I would like to see put in place should I be involved in an accident or whatever. The reality is that I am probably too old and do not have much to offer in the way of second-hand organs. Generally it is young people who are the best organ donors.

I will relay a story which sets out something that I think people need to bear in mind when considering the issue before us. I do not want to source it to a State or a person, because the people concerned are very good friends of mine. This young girl was 21 years of age when she was involved in a motorcycle accident in another State. She ended up in a coma and was kept alive by the specialists concerned with a view to giving her organs to people on the organ donor waiting list. They kept her alive for nine days. She was a beautiful young girl, very much loved by her family—her mother and her father. Her parents were there and were aware that she had consented to being an organ donor and had volunteered to be part of that program, and they endorsed that decision.

However, what they did not know was that the moment the doctors made a decision to turn off the tap, as it were, and transplant her organs, the family forewent all rights to her as a human being. Her mother, whom I have known all my life, said to me, "Nothing would prepare me for what occurred then." The daughter was taken away from her parents at a moment's notice and what they got back

was basically what she described to me as a bag of scraps. They had taken her eyes, parts of her limbs and her internal organs. This beautiful blonde-haired, blue-eyed girl—their daughter—was basically, as the mother said, a bag of bones.

I relay this story reluctantly because, as I said, I know this family very well. The point I am trying to make is that this was a result of all the best will in the world, which we have in this place. I do not think there is anybody in this Chamber who would agree with the statement that we should take our organs away when they can be best put to use on this earth to help some other person develop into a whole human being as a result of receiving an organ. I think it is very unfair for people to stand up in this place and attack the Labor Party, for example, by suggesting that we on this side of politics do not support organ donation. Of course we do. Anybody with any heart and soul does.

We do need to have this issue properly researched. In my view there has to be absolute bipartisan support. It is pleasing to see that the National Party and the Liberal Party are prepared to offer that. I think it is only right to get the issue out in the public arena and develop a proper set of protocols so that the very unfortunate set of incidents that has plagued that family for 15 years now does not happen to a Queensland family.

I say in all sincerity: this is not about a party standing over another group of people in this place. This is about trying to get it right. If we have to take just a little bit longer to ease the burden of people such as my friends, then I say do it. Let us get it right. Let us put aside the sniping, the petty backbiting and the attempts to make the major parties look as though they do not care, because that really is below the belt. There is nobody in this Parliament more sincere than I in relation to this issue. As I say, I have first-hand experience with a family in this regard.

I implore the members who sit at the back of the Chamber to think about what they have said and to actually, for once in their lives, look beyond their personal differences with us on this side of the House and think about the long-term issues. It will take a little longer to get it right. I am confident that we will get it right. The goodwill exists right across this Chamber to do it. I am sure that while that goodwill exists we will get a result.

Mr WELLINGTON (Nicklin—IND) (9 p.m.): Earlier tonight, members heard concerns expressed as to who is going to claim credit for this Bill. I reflect on the day that this Bill was introduced. I remember looking around this Chamber and thinking, "By crikey! There seems to be bipartisan support for this Bill", because it was a good idea. I believe that, at the end of the day, as the previous speaker said, we need to get it right and get it right the first time. I hope that, through this legislation being referred to a committee comprising representatives from both sides of politics, we will be able to see something reintroduced into this Parliament that will get the support of all members of this House.

At the end of the day, the member for Thuringowa will be able to walk tall and proud, knowing that he was instrumental in having this Bill introduced into this House. And at the end of the day, I hope that he will be able to talk about the Bill being passed unanimously in this House. I commend the amendment to members and look forward to the Bill coming back before this House.

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) (9.01 p.m.): I repeat that the Government will not oppose the amendment to refer this Bill to a committee. However, I do not intend to sit back and do nothing while that happens—as has been suggested. The Government is not just looking at it; we are acting already. This has already been produced, and this is what we are acting on.

In September 1998, the Beattie Government brought down its 1998-99 Budget and allocated the funding to implement an improved coordination service for organ and tissue donation. As a result, Queensland Health has formulated a range of strategies known as Queenslanders Donate, which is very similar to the program that members have talked about and which was established in 1996 by the South Australian Government. The South Australian Organ Donation Agency has been successful in lifting that State's donor rate from 14 to 15 per million of the population to 23 per million in 1998. That is the highest donor rate in the country, and it is almost double the Australian average.

South Australia's program is based on the Spanish model of organ donation, which has allowed Spain to have the highest donation rate in the Western World. The Spanish model has a nationwide standard donation process. In South Australia, which closely follows that model, donor coordinators are employed to liaise with the transplant coordinators. The South Australian donor coordinators also identify potential organ donors and speak with their families about their knowledge of the deceased's wishes regarding organ donation.

As I mentioned in my first speech on this Bill, there is absolutely no indication that families go against the wishes of their loved ones. Eighty-five per cent of families approached agree to donation. Almost 100% of those who know the deceased person's wishes carry out those wishes. There is not a block there.

The South Australian model has staff responsible for professional education and public relations in its hospitals. This is similar to our structure, and we will have a number of positions responsible for increasing organ and tissue donation in Queensland. As I said, this program is working well in South Australia and exceptionally well in Spain, and it will also work well in Queensland and will boost the organ donation rate for Queenslanders. There will be a manager whose primary role will be to establish and manage Queenslanders Donate, and this position has already been advertised. It has Statewide responsibilities. The manager will liaise and negotiate with Queensland Health service districts, the John Tonge Centre and private hospitals and maintain a network to maximise organ and tissue donation.

There will be four other positions, including: a social worker whose role will be to increase tissue donation through contact with families of deceased persons at the John Tonge Centre; a retrieval technician; a mortuary technician; and a project officer who will investigate and analyse the potential to increase tissue donation through the implementation of more flexible working arrangements at the John Tonge Centre.

I repeat what the member for Rockhampton said. When people tick the box to donate, they are not donating a single organ; they are agreeing to donate whatever people wish to use. That can be quite a significant number of various parts of the body—whether it be organs, tissue, bones, ligaments or lenses.

In addition, there will be seven part-time intensive care coordinating nurse positions in the metropolitan and provincial hospitals who will educate and increase awareness of intensive care unit staff and conduct audits of deceased persons to determine the causes for missed potential donors. These positions are in addition to the existing three transplant coordinators.

It is also proposed to develop a transplant clinical committee to support the manager through the provision of policy direction. I am pleased to advise the House on the progress of filling these positions. Applications for the manager's position have closed, short-listing will occur next week, and interviews will be conducted within the next two weeks. The recruitment process has started for the remaining positions. This new structure and allocation of funds will be evaluated after a period of 12 months to assess its effectiveness in increasing the rate of organ and tissue donation in Queensland.

Queenslanders Donate will increase organ and tissue donation rates in Queensland and has the potential to improve the health of patients suffering from chronic disease through transplantation and to reduce the long-term costs on the health system. But it should be recognised that South Australia has the advantage that the vast majority of its population live in the major metropolitan area. That is quite unlike the spread of population and services that we have in Queensland.

In my earlier working life, I did a lot of work with post-transplant patients, assessing the blood flow and function of transplanted organs. This goes back to the 1970s, when we were doing the first kidney transplants. Indeed, I was involved with the very first liver transplant in Australia, performed here at the Royal Children's Hospital, part of the Royal Brisbane Hospital. I would like to share with members what happened in those days to give them some idea of what they are asking families to do.

At that time, there was one ICU at the Royal Children's Hospital. In that ICU, which contained only half a dozen beds, there were two patients, including one small baby who was waiting for a transplant. That baby was being fed with the purpose of building it up so that it was strong enough to withstand an extensive operation. In that same ICU unit there was a baby who was being kept alive, with its family nearby, together with the family of the baby who was going to receive the organ. They were all in the same ICU until such time as the baby awaiting the transplant was fit for surgery, and then the equipment keeping the other baby alive was switched off. Can members imagine being the parents of that dead baby? Because that is what it was: baby-to-baby donation. That was before the days of the Brisbane technique, which allowed us to cut down——

Mr Nelson: Babies don't sign drivers' licences.

Mrs EDMOND: No, they do not, but they still have grieving parents who give permission to use the organs of their dead child so that other people may live. It is important that here tonight we also remember the rights and the concerns of the parents and the staff involved. I talk to those staff.

Mr NELSON: I rise to a point of order. Does this have any relevance to the Bill that members are debating?

Madam DEPUTY SPEAKER (Dr Clark): Order! There is no point of order.

Mrs EDMOND: That member has brought this debate down to the lowest depths, and I think that all members would condemn that. Whereas we recognise the importance of the debate and the initiative of the member for Thuringowa, I believe that the member for Tablelands needs to listen for a little while.

We do need to consider the parents. We do need to consider the loved ones. We also need to consider the staff, because the stress on the staff involved in keeping alive both patients was enormous. There was an enormous staff turnover. A lot of them could not stand it, and they left. I know that the member for Tablelands could not give a darn about the staff in Queensland Health.

Mr NELSON: I rise to a point of order. I find that remark offensive and ask that it be withdrawn.

Madam DEPUTY SPEAKER: Order! The member seeks a withdrawal.

Mrs EDMOND: I withdraw. I wish that the member would withdraw.

Mr NELSON: I rise to a point of order. I find that remark offensive and ask that it be withdrawn.

Mrs EDMOND: I withdraw. I ask members in this Chamber to remember all the people involved in these events: the recipient of the donated organ; the deceased donor and their grieving loved ones; and, of course, the team of staff who care for all of those people. All of these people must be reconciled to the decision to proceed to organ donation. The staff cannot go ahead if they feel that in any way people have been coerced into that decision. Our current transplant teams are world recognised as truly remarkable and expert practitioners in their field. They already have to deal with enormous pressure and distress from the parties involved in all aspects of the transplant cycle. I am determined that this particular legislation advantages all of these parties, including the staff.

Australia has a proud history of providing quality health care at the highest technical level, including transplantation of organs and tissues. It achieves nothing to override the concerns of the staff or the feelings of the grieving families, as suggested by this Bill. I believe that more can be achieved by the coordinated approach that I have previously put forward.

As I said at the outset, the Government does not oppose the intent of this Bill, but we do not believe that it will achieve its stated aim. In the meantime, I urge all members to make their wishes known to their families.

Mr TURNER (Thuringowa—IND) (9.10 p.m.), in reply: Since delivering my maiden speech in this House I have sent to people, on request, in excess of 1,000 copies of the speech. I was overwhelmed by the response. It was encouraging to realise that my maiden speech inspired so many people to care.

In that speech I asked whether members of this House would also care about people with a disability. I promised to be the voice of those people in this House in the months and years to come. These people are desperately screaming for help which is either not forthcoming or is coming so slowly that in the case of organ donors it will be too late for so many.

We do not have capital punishment in Australia, but at this very moment we have about 3,000 Australians sitting on death row—3,000 innocent people waiting to die. These people have been condemned to death for no other reason than being inflicted with body organ and tissue failure. Due to the lack of donor organs patients remain on waiting lists for up to five years. Twenty per cent of these patients will die before a donor organ becomes available. Can honourable members imagine how these people must feel— counting down the limited hours of their lives whilst waiting for another to die so that they can live? Can honourable members imagine the guilt, trauma and despair of such an existence? Yet this is the life to which they are presently condemned until we change the laws affecting organ donations.

Every day, Australians, from the very young to the very old, die whilst waiting for a donor organ. We, the members of this Parliament, are in the position to stop this futile waste of life. At present, to tick the organ donor box on a driver's licence is not enough. Permission by the next of kin is required for the removal of body organs and tissue for transplant. I understand that about 85% of those asked consent to the removal of their loved ones' organs, but I suggest that perhaps those people may have preferred not to have had to make that decision. This decision making adds extra stress to an already traumatic time when the deceased had already made that decision.

The subject of organ donations has been the topic of conversation many times with my

family. My five children have all ticked their drivers' licences to be organ donors. All have said sincerely and honestly that they wish every part of their bodies to be used for transplant in the event of their deaths. I have promised them faithfully that, should such a tragedy occur, I would carry out their wishes. These decisions were made at a rational time without the pressures of being grief stricken. How can bereaved relatives be expected to make such an important decision about organ donation at that most traumatic time in their lives? Why are they even asked to make that decision if the decision has already been made by the donor before death?

During a Today Tonight program addressing the topic of organ donations, Robyn Gillies, a Townsville mother who has been waiting five years for a kidney transplant, and I were interviewed. Also interviewed on that program was a lady who had consented to the donation of her son's organs after his unfortunate death. She did not regret her decision in any way, but she was obviously very distressed and stated that she would have preferred not to have been put in the position of being asked for her consent, which only added extra trauma to her grief at that time, and since.

Several weeks ago, I received a telephone call at my office from another very distressed woman who had lost her son in a car accident. She was asked for consent to donate her son's organs and, in her distraught state, she declined. For the two years since the death of her son she has regretted her decision and often thinks about the life that she may have saved at that time. She is now receiving counselling—two years too late. These people should not have been asked to make this decision at such a time. To be asked that question at that time is asking too much.

When I considered presenting the organ donor Bill to Parliament, I thought that making a driver's licence a legal document would assist in many ways. It covered a very wide section of the community. It has photo identification, making it easy to identify the person. The licence would quickly reveal whether or not the person was a consenting donor. It could be easily linked to a donor organ database. The Queensland Transport Department could also produce a legal document, with provision for a photograph, for people who do not have a driver's licence.

It sometimes takes a considerable amount of time for the next of kin to be contacted. Whether or not their permission was required for the donation of organs, they would definitely need counselling at that time. With organ donations there are three fundamental aspects to examine: the desperate plight of those who need a transplant; the overall need to improve the rate of donors; and the need to ensure a satisfactory outcome for the relatives of the donor.

Australia has the lowest rate of organ donations in the Western World. At present, Queensland has no set guidelines for the acquisition of organ donations. It is of the utmost importance that Queensland introduces a model which is designed to increase the number of organ donors. We need to reassure Queenslanders that the acquisition of organs is carried out with all the dignity and respect awarded to the donor after death as in life.

In 1996, the South Australian Government established the South Australia Organ Donation Agency to coordinate the process of organ donation and provision in that State. Within the first 12 months of its establishment the agency had increased the rate of donors to 22 donors per million people. That is twice the Australian average. Only around 1% of people die in circumstances which will allow for transplantation. In South Australia, medical coordinators are able to influence the timing and manner of the request for organ donations so that very few of the 1% of potential donors are missed.

Mrs Edmond: That's what we are aiming to do here. It is the same system.

Mr TURNER: I realise that. Considering that Australia leads the world with its research and technique in the transplant field—with many thousands of lives being saved in the past and the quality of life being improved for many thousands more—it is ironic that we have such a low organ donation rate. We need a database acceptable to hospitals, doctors, organ donation coordinators, police and ambulance to coordinate the process of organ donation and provision in a respectful manner. We also need to provide funding to increase the number of intensivists and counsellors in our hospital system who are trained to deal specifically with the bereaved relatives of donor patients.

Whether we adopt the method used successfully in South Australia or we create our own model to address this problem is irrelevant. We need to ensure that none of the potential donor organs are unused. How could we, in all consciousness, ignore this issue and let more people die? We cannot. We must

pass a Bill and implement the strategies as quickly as possible. To ignore this issue would be to sentence prospective donor recipients to death. We are politicians, not judge and jury. We do not have the right to pass sentence on innocent people.

We have listened intently to the facts and figures, the dos and don'ts and the cans and can'ts of this issue and it is heartening to see light at the end of the tunnel. It is sad to reflect that, since I tabled this Bill in November, five precious life-saving months have gone by. However, I am encouraged by the fact that all members of this House agree that our present method of organ acquisition and donation is inefficient. If my presenting this Bill to Parliament has been the catalyst for the implementation of a comprehensive and successful new donor system our time has not been wasted. We can put in place a system that will address this important issue and we can all proudly say, "We did that."

I thank all members for their kind words and for speaking so enthusiastically about this Bill. It has been a very humbling experience for me to listen to the responses that everyone has made regarding the putting aside of political differences and working together to address this important issue.

I acknowledge the amendment to this Bill moved by the honourable member for Maroochydore, Miss Fiona Simpson, and I welcome the support for this amendment given by the Minister for Health, the Honourable Wendy Edmond. By commending this amendment to the House, I put my full trust in all members of this 49th Parliament to put their concerted efforts into finding a suitable working system that eliminates the problems currently experienced in the donation and acquisition of body organs and tissues.

Let us build a model that will be an inspiration to the rest of the world. I thank the Government for its commitment in supporting the amendment and for its commitment to ensure that a comprehensive organ donation model will be put into place in Queensland. I look forward to 1 August when the Legal Constitutional and Administrative Review Committee reports back to the House. Again, I sincerely thank all members for their support.

Amendment agreed to.

WEAPONS AMENDMENT BILL

Second Reading

Resumed from 11 November 1998 (see p. 2947).

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.20 p.m.): From the outset, I would like to reaffirm the Beattie Government's commitment to the national uniform firearm controls reached between the Federal Government and the States following the shocking events of Port Arthur three years ago today. When in Opposition, Labor supported the introduction of the State legislation put forward by the previous Borbidge Government in an open, bipartisan way. The then Police Minister, Russell Cooper, invited me as the shadow Police Minister to take part in the development of the legislation, and it was pleasing to see party politics put to one side as we all worked towards a worthwhile cause. The commitment that the Labor Party had to those agreed principles did not waver then. We will not waver from that commitment now.

On the third anniversary of the Port Arthur massacre, I want to make it very clear to this Parliament and to the people of Queensland that the Labor Party will not be watering down the gun laws of this State. This commitment is based on commonsense and a belief that we must improve the safety of the community. The current gun laws are designed to improve controls over the trade in weapons and reduce the number of high-powered and unnecessary weapons in our community. We wish to avoid the United States experience of unrestrained gun ownership, which has seen unacceptable levels of violence involving weapons. The latest school massacre at Littleton, Colorado should convince everyone that we should not follow the US path on gun ownership.

Unlike the beliefs held by supporters of the member for Caboolture, the current gun laws have nothing to do with some mythical United Nations-inspired world government conspiracy aimed at disarming Australians. There is still adequate provision in the current gun laws for people who have a demonstrated need to own firearms. The member for Caboolture keeps talking about the 25% of Queenslanders who voted for One Nation in last year's State election. That does not give the member for Caboolture a mandate to amend the current gun laws. If one follows his analysis, 75% of Queenslanders did not vote for One Nation and its radical gun law proposals. Considering that the current polls put One Nation support at just 6%, that means that 94% of Queenslanders do not support One Nation's misguided policies. On ABC radio's PM program last night, the member for Caboolture said that he had innumerable letters from the gun lobby, and this Bill shows

that he is obviously being held captive by the more radical elements of the gun lobby.

Labor won the 1998 State election with a 52% two-party preferred majority, making it clear to all Queenslanders that we support the current gun laws and do not intend watering them down. For the member for Caboolture's information, I say to him that Labor has the mandate and it will be following the will of the majority of Queenslanders.

That brings me, of course, to the member for Surfers Paradise. Initially, the member for Surfers Paradise said that the amendments suggested by One Nation were commonsense. Since then, the sane elements of the National Party have rejected the One Nation amendments and forced their will on the more radical Right Wing elements of the party. However, I understand that it was a very close vote in the National Party room yesterday. The member for Surfers Paradise then had to do an embarrassing backflip and reject the One Nation amendments. However, he still reserves the right to suggest amendments to the current gun laws at a later date. This is from a party that won even less support than One Nation did at the last election.

If it was not for the integrity of the Labor Party in rejecting a sleazy preference deal with One Nation, the National Party ranks would have suffered even greater losses. Labor Party preferences helped elect eight National Party members. If it was not for Labor preferences, it would have been bye-bye to Russell Cooper, the architect of the current gun laws; bye-bye to Len Stephan; bye-bye to Brian Littleproud; bye-bye to Doug Slack; bye-bye to Marc Rowell; bye-bye to Lawrence Springborg; bye-bye to Jeff Seeney; and bye-bye to Tony Elliott. Since these eight members won their seats with Labor Party support, I would have thought that they would have spoken strongly against One Nation's amendments in yesterday's party meeting.

Mr Borbidge: What about Waterford?

Mr BARTON: The member should not worry about Waterford. I did not need the Opposition's preferences to get up.

I suspect that this was not the case. On the other hand, the Liberal Party, through its Leader, Dr Watson, has been consistent and has indicated that the party will continue to support the current laws, and I thank him for that support. It is clear that the Liberal Party has had to drag its coalition partners kicking and screaming to support its stand on the issue.

However, I do not want to use this speech tonight to highlight the ructions in the coalition and the divisions among the National Party. Today, we are here to debate this Weapons Amendment Bill put forward by the member for Caboolture. Let me make it very clear: the Beattie Government does not support this Bill in any way, shape or form. To say that it represents a watering down of the gun laws is too mild. This Bill represents a complete departure from the current gun laws. Just on one point, the move by the member for Caboolture to allow unrestrained ownership of and trade in semiautomatic weapons is enough for Labor to oppose this Bill just on principle. The Bill also includes so many contradictions and anomalies that it would take me hours to detail them all.

The member for Caboolture has introduced this Bill in the misguided belief that the current gun laws have failed. That is a fundamentally flawed belief and I will point out why. How can the member come to this view when the current gun laws have barely had time to take effect? Certainly, the major changes that resulted in the current gun laws were introduced in 1997. However, the final stages of all of these changes have only just been completed. It is certainly too early to consider changing the laws until their impact is fully realised.

In his second-reading speech, and to highlight the perceived failure of the current gun laws, the member for Caboolture put faith in a Sunday Mail article that quotes the Bureau of Statistics reporting a 39% increase last year in robberies involving firearms. I hope that the member for Caboolture has done some more detailed research and that he is not just relying upon Sunday Mail articles which are, at times, known to be of dubious quality and accuracy. Even though the current gun laws are in their infancy, I can assure the member for Caboolture that the Queensland experience differs greatly from the ABS figures, which are based on national statistics.

The use of percentage figures can also be very misleading, especially when we are looking at a relatively small number of offences. It is true that there was an increase in offences involving firearms in 1997. I would like to draw members' attention to this graph supplied by the Queensland Police Service. I will table this graph, because it demonstrates clearly that reported assaults and robberies involving firearms are at their lowest levels in Queensland this decade. Last year's increase took offences involving firearms to about 16 offences per 100,000 people, which was still below the record levels of 1993 and 1994. The

current crime level is about 10.5 offences per 100,000 people, even lower than 1991 levels. Crime levels will fluctuate from year to year and have to be analysed over longer terms than just 12 months. However, this graph shows clearly that just as the current laws are beginning to bite, offences involving firearms have dropped to their lowest levels in seven years.

The stated aim of the Bill is to make it easier for law-abiding people to own a firearm than is currently the case under the present gun laws. If that is the main aim of the Bill, it has failed. One of the peculiar anomalies and contradictions that I spoke about earlier is that the Bill proposes that anyone convicted of an indictable offence in Queensland or elsewhere will receive a life ban from having a gun licence. I would have thought that, as a former policeman, the member for Caboolture would have known what an indictable offence was and how widely this particular amendment would impact on people. This amendment would mean that anyone convicted of dangerous driving, bigamy, fortune-telling, removing boundary markers and a whole raft of other offences would be banned from holding a gun licence. I am sure that One Nation supporters and the gun lobby would baulk at this amendment when the implications are explained to them. The member for Caboolture would suffer further erosion of his plummeting support base if he continued to support this amendment.

The current gun laws provide the proper balance on who should own a firearm and we will not be pushing for a change to further restrict gun ownership. However, if there is any push to toughen the gun laws further down the track, I know now that I can rely on the support of the member for Caboolture, because clause 6 of his Bill clearly shows that he favours even tougher gun laws.

The member for Caboolture has been very vocal about the illegal use of firearms and the black market trade in firearms. However, as it stands, the Bill will make it easier for criminals to get their hands on weapons. The move to abolish the requirement for all gun owners to sell or trade category B and category C firearms through licensed dealers would re-open the floodgates and we would be again in the position of not knowing where particular weapons were. Under the current laws, the authorities and police at least have some idea of which weapons are legally owned. By involving licensed dealers, there are some checks and balances on the trade of weapons. Under Mr Feldman's proposed changes, the police would be unable to trace the ownership history of category A, B and C weapons if they are used in the commission of an offence. Considering that most firearm offences involve these categories of firearms, the criminal elements in our society would have a field day and the police would be on the back foot again, just as they were before the current gun laws were introduced.

The member for Caboolture has said that the current laws are an administrative nightmare. However, some of the amendments that he is trying to introduce will turn the laws into an administrative quagmire that no-one will be able to fathom.

The Prohibited Persons Register is put forward by the member for Caboolture as the panacea for all gun ownership problems. While seeming to be simple and straight-forward, the register would create more problems than it would solve. Clause 21 of the Bill compels doctors and psychologists to report anyone whom they consider to be unsuitable to possess a firearm. Those people would stay on the register until cleared by a doctor or psychologist. The administrative requirements that this would entail do not bear thinking about. It would also be a fundamental breach of doctor/patient confidentiality, as it would not allow each case to be taken on merit. I am advised that the Australian Medical Association is not in favour of this amendment.

Under the current laws, the Act provides for doctors and psychologists to inform the police of any information relevant to the patient's ability to possess a firearm. That is a much more sensible provision and does away with formalised reporting procedures and administrative requirements that naturally follow from the proposed amendment.

The Bill also duplicates one aspect of the current laws, which is the requirement that a community liaison committee be established. I am currently in the process of setting up an advisory council and I hope to make an announcement on its membership in the next few months. To have two bodies doing exactly the same thing seems to be a waste of resources and would only add to the administrative costs of the gun laws.

I think everyone in the House would abhor the school massacre that occurred recently in Littleton, Colorado. Just how those students were able to get their hands on semiautomatic weapons is still being investigated by the police in Littleton. When one considers the fact that United States gun laws are much more relaxed than Queensland's, it is not hard to work out. The member for Caboolture wants this Parliament to make exactly the same

weapons as those used in the Littleton massacre more freely available in Queensland.

To make matters worse, the member for Caboolture also wants to relax the storage provisions for weapons when being transported in a vehicle. Instead of being locked in a metal container in a vehicle, the member for Caboolture wants to allow gun owners to place a weapon without a covering in an unobtrusive place in the vehicle. This means that anyone who breaks into that vehicle or who has access to the vehicle keys can have immediate access to a weapon. Considering that a large number of vehicle thefts are carried out by juveniles or young adults, the member for Caboolture is tempting fate with this amendment. It is not beyond the realms of possibility that relaxing the storage requirements would lead to juveniles having greater access to weapons.

The Weapons Amendment Bill 1998 is a poorly researched piece of draft legislation that is full of bewildering contradictions and anomalies. The member for Caboolture complains that the current laws have done nothing to reduce crime, but he wants to pass amendments that will make it easier for criminals to get guns. The member for Caboolture thinks that the current laws are too bureaucratic, yet he wants to put in place more administrative processes and duplication.

The Bill not only fails to satisfy the stated aims of its author, but is a ham-fisted attempt to pander to an outspoken minority. The only redeeming quality that this Bill possesses is that it is a great example for legal studies on how not to write legislation.

The Labor Party will stand very firm. I again make the point that the current laws were put together in a spirit of cooperation between the then coalition Government and the then Labor Opposition, following an unprecedented tragedy in our nation, which sparked unprecedented unity between all of the States and the Commonwealth. From my involvement on the Australian Police Ministers Council, I know just how firm is the resolve of the current Federal Government and the Police Ministers from around the country. There is certainly a need for some minor amendments to the gun laws. As was said in the debate on the Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill that was before the House today, experience can show that some adjustment to legislation may be necessary. The Queensland Police Service and the Australian Police Ministers Council are working through that, in conjunction with the Federal Minister for Justice, Senator Amanda Vanstone.

I know full well that the Commonwealth Government and the Beattie State Labor Government are resolved not to depart from the essential principles that saw the current weapons legislation enacted in Queensland some two years ago. At that time, the Labor Party supported the coalition Government. I am pleased to hear that members opposite are also steadfast in their resolve not to support the Bill before the House tonight. It is very important that the people of this State and this country know that we are not prepared to pander to minorities who fail to understand or accept that there was a major sea change in the Australian public following the tragic events of three years ago. The Beattie Government will be voting very firmly against this Bill tonight.

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (9.39 p.m.): The national gun laws issue has been extremely painful for the National Party. For some supporters and former supporters it remains so. For some it will remain so for as long as they draw breath. In the final analysis, for many the fact has less to do with the core provisions of the laws as they emerged as with the manner of their development and their imposition. That is the very big point that was missed in the debate by those who rushed to seek a solution.

Law-abiding Queenslanders in families where both the sporting and the occupational use of firearms had been an accepted element of life, for generations in many cases, felt that they had been suddenly and unjustifiably singled out and branded as untrustworthy and as potential mass murderers. That is what is at the heart of much of the resentment. The fact that they could not be heard and could not make commonsense observations at the height of the debate or since has compounded that resentment. They simply could not be heard. As their elected representatives, we could not be heard. There was simply no room for a rational debate.

It was an incredibly frustrating and hurtful period for many Queenslanders. It was an incredibly frustrating period for us as their parliamentary representatives. Those factors were compounded by the fact that many of the non-core provisions of the laws that evolved were overly bureaucratic and ill-informed because of that rush to action largely controlled by people who did not know the first thing about firearms or firearms users.

That outcome was in large measure a function of the national mood at the time of the debate. The sense of outrage that existed over the dreadful events at Port Arthur meant that many Australians, including many in the Federal Government and many members of this House, were simply not prepared to engage in a reasonable debate and were not prepared to listen. Their minds were made up and anybody who suggested even modest variations to make things more workable or more commonsensical were instantly branded as gun nuts, and the media, in a country which had largely lost touch with the hunting ethic—the ethic of reasonable use of firearms recreationally and vocationally, which were very widespread, common and reasonable pursuits in this country over a very long time—certainly had no interest in bringing about a sensible debate.

The result was legislation that was imperfect and hurtful in the eyes of many responsible gun users in this country. Some continue to resent the fact that the issue was railroaded in this way. In the bush, the fact that the issue was handled in this way has come to typify the gulf between urban and rural Australia. It has become a bellwether and a symbol and in some quarters it will simply not be forgotten on that basis. The relative inability of the elected representatives of these people to do much at all in the way of rationalising the debate was clearly a factor in the reduction in support for the established parties, and particularly the National Party, at the last State election. But the fact is that we, like they, were simply being swept along by the extraordinary wave of emotion that followed Port Arthur.

Having said that, there is no doubt that a very great majority of Australians very genuinely favour the central aspects—the core aspects—of the gun laws. The outlawing of military and military-style semiautomatic firearms, which are quite correctly labelled as weapons, has a very wide degree of popular support, including among shooters. Surveys have also consistently shown that a great majority also strongly favour general constraints on firearm ownership in the hope that over time the number of firearms in society will be reduced and the number of unintended as well as intended gun deaths in this country can be reduced. It has to be understood that this will be at best a generational change. There will be no sudden halt to the capacity of criminals in this country to achieve illegal ownership of weapons with a fearful capacity to do harm. Indeed, it is possible to argue—and many do—that there will never be a time when those sorts of people will not be able to gain access to whatever it is that they want if they are determined enough. It will also be many years yet before the more opportunistic people—those who seem to come out of the woodwork from time to time—will not be able to achieve ready access to whatever it is they want, simply because there are so many of these weapons in circulation.

To that extent, gun laws are a folly, at least in the short to medium term. Nobody should be in any doubt about that reality. Neither my colleagues nor I can in all conscience make the leap to where this Bill would take us, which is to a situation where the core aspects of the laws that have been put in place would effectively be dismantled. That is their very clear result, and it would be achieved in three ways.

Firstly, the wish to purchase a firearm for home defence would be added to the list of genuine reasons for owning a firearm. It would become sufficient reason in itself to own a gun. Secondly, there would be virtually no constraints on ownership of firearms for this sole purpose up to and including category C firearms, which would include some self-loading shotguns and some self-loading rifles. Thirdly, there would be considerably reduced constraints on ownership of category D firearms, which is the military or quasi-military-style high-capacity, heavy-calibre semiautomatic rifles that caused the furore in the first place. In other words, if this Bill were passed, virtually anybody whose sole reason for keeping a firearm was home defence would be able to achieve ownership of firearms up to and including self-loading or pump-action shotguns with a magazine capacity of five shots, and self-loading .22 calibre rifles with a magazine capacity of up to 10 rounds. As long as people were members of a shooting organisation, they would have every chance of acquiring a category D weapon under the proposed One Nation regime.

In the final analysis, that is what this Bill is about, and we therefore cannot support it. It is an overcorrection. It swings the pendulum too far. Some of the other amendments in this Bill, which on the face of it are potentially sensible, have to be seen in the context of the three issues I have just outlined, and I include in this the matters relating to relaxation of storage issues. There is a sensible basis, particularly for people in the field with firearms, for some of the more impractical aspects of storage to be revisited and rewritten to be made more commonsensical. However, when combined with the measures I have referred to, they lose a lot of their attraction and their capacity to receive support.

I wish to say something about home defence, because home defence is the very emotive lever that One Nation has chosen to use as the basis for the key measures in this Bill. It will have a degree of support. I can understand that support. Indeed, I support wholeheartedly that element of the Criminal Code—the coalition's Criminal Code—which enables householders the right to use reasonable force in defence of their person, family and property. On a number of occasions in Queensland, a definition accepted by the police and by the courts has been a degree of force including the use of firearms. However, I believe most people would accept that there is a very considerable difference—a world of difference—between laws which may allow for the use of firearms, depending on the circumstances, and the virtual promotion of the use of firearms, as is implicit in these amendments.

One of the very bases of the legislation now in place reflects the wish of, I would argue, most Australians to see fewer firearms in the hands of those either unfit, unskilled or without a genuine need for them. The record clearly establishes that the danger is more often than not to the owner or to others in the owner's family than it is to the still relatively rare use of firearms in terms that attract the significant Criminal Code protection of reasonable force. I emphasise that nothing in the current gun laws contradicts that element of the Criminal Code.

I will not take up much more of the time of the House. I simply ask those who would see the core elements of these laws overturned to consider the consequences of that very carefully. During the development of the national policy, the Commonwealth threatened—and I assure everybody that it was not an idle threat; I took the telephone call—to intervene and to impose absolute national control on this issue, to take over the entire matter and to dictate even more comprehensively to the States. That would be the inevitable consequence of support by this House for this Bill.

Those still resentful of certain aspects of the current legislation should consider what might occur in a Federal Parliament in which the Democrats have assumed the balance of power in the Senate. That is about to happen. Any potential for commonsense amendments in the future would be gone.

Consider that, currently, anybody who can demonstrate a reasonable reason, whether it be for hunting, for sporting competition or for occupational reasons, can still acquire firearms in this country. There are restrictions on some types of firearms, but for the most part those who would hunt or engage in sporting competition can do so with relatively little inconvenience. Farmers and graziers can acquire firearms adequate for the job. Professional shooters can still acquire adequate firearms. In the end, the major constraint of the current laws is on access to those semiautomatic, heavy calibre firearms, which have had limited valid civil applications and which a majority of Australians have indicated very clearly that they do not want freely available in this society, as symbolic as that wish is in the face of the number that will remain in circulation for many years to come.

In conclusion, I would unashamedly say to the House that the National Party does believe in sensible amendment of gun laws. The lack of respect for sensible gun owners and the lack of knowledge of many who framed the laws led to some nonsensical excesses—excesses that do nothing to encourage a safer society but which simply get in the way of sensible and reasonable use of firearms for that significant minority of Australians for whom they are a legitimate and a proper and a reasonable interest. I say that despite the very fine and best efforts of the previous Police Minister, the honourable member for Crows Nest.

The issues that we will examine in the context of putting forward proposed changes in due course will be outlined by the shadow Minister, the honourable member for Toowoomba South. The National Party will be considering what it can do in these areas in the hope that we can deal with some of these issues when we are back in Government.

Above all, I would hope that Queenslanders who most vigorously joined in the guns debate in a manner which so isolated a significant number, particularly but by no means exclusively in the bush, will give some thought, finally, to the alienation which the very nature of that debate brought about. For many people in the cities today, the link with the bush—a link that used to be so strong in this State—has been weakened. The recognition of the different lifestyle that existed—and exists today—in the bush has been dulled. City people are the poorer for that. If they could think of this issue for a moment in the context of that different lifestyle, they might appreciate just why it was that so many people in the country were disillusioned by their treatment in the gun debate. They felt—and many still feel—tremendously aggrieved at the way they were depicted by association throughout that debate as irresponsible, and as potential

murderers. That is an absolutely central issue in understanding their anger. It was impossible to get that message through—for them or for us—during the heat of the debate.

That phenomenon has a very clear parallel for many in the bush with native title. The propensity of many in the city, particularly post Wik, has been to lump the native title issue onto their backs—to blame them, to target them, and to vilify them in a very similar way. Graziers are being asked to carry the weight of the native title issue by the people of the cities. Their forebears are being painted as the architects of the dispossession of the Aboriginal people—as the devils of the piece. Both issues are from one and the same syndrome—that breakdown of the link between the city and the bush, the breakdown of the understanding that used to exist.

The graziers' markets were Sydney, Melbourne, Brisbane, Adelaide, and Perth, which would have been struggling for their very existence in the early days of this country but for their industry. The people of the cities of Australia today are every bit as much a part of the native title issue as are the descendants of the pioneers of the bush. If ever they want to re-establish the bond that used to exist, then the rhetoric of native title has to mature and reflect that fact. But for firearms, many of those pioneers would have perished.

Over the many decades since, their significance has barely reduced. They are still tools of the trade. They are still, in many places in this State, an intrinsic part of life, but owners were demonised during the extraordinary post Port Arthur debate. They deserve better. They deserve recognition as responsible people whose genuine needs and concerns demand consideration in legislation designed to protect the general community from occurrences, from horrors and from tragedies such as Port Arthur and Columbine High School. This Bill does not deliver what the people of the bush need.

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.55 p.m.): The spectre of Martin Bryant haunts this Chamber tonight. This redneck, dangerous piece of pro-gun legislation falls to be debated three years to the day after the spilling of the blood of the innocent slain at Port Arthur. In the interests of victims of crime, for the safety of all citizens, this Parliament must reject this ugly Bill out of hand. It is doubly ironic that this Bill was introduced on 11 November 1998, 80 years after the guns fell silent across Europe following the death of millions in World War I. Have we learned nothing during the course of this century? Have we learned nothing from the senseless slaughter of the past?

History will be kind to the Government of Premier Borbidge and Police Minister Cooper on this issue for, alone among the great issues of the day, they did the right thing on this occasion. Together with Governments throughout this nation, a step was taken to stand against violence, against unfettered access to guns which can maim and kill, and against the culture which saw women and children so often subjected to unnecessary violence.

What does this Bill do? There are two great flaws in the Bill which should cause this Parliament to reject it out of hand. Firstly, this Bill presumes access on the part of every person who does not fall into a particular disqualification to semiautomatic weapons in category C. In particular, it allows access to semiautomatic rim-fire rifles and semiautomatic and pump-action shotguns without the need for any special circumstances. It does not include the requirement of there being a need for clay target shooting or for an occupational purpose. No, this Bill simply allows access to semiautomatic weapons in category C in a willy-nilly fashion.

The second aspect of this Bill which completely flies in the face of any sensible regulation is the proposition that the defence of self and family in the home amounts to a genuine reason for the possession of a firearm. In effect, this amendment makes the other genuine reasons for weapons possession quite unnecessary. It is clearly foreseeable that, far from achieving its purpose of home protection in dire circumstances, it is bound to lead to an increase in the shootings of family members and other people. This provision is a repugnant provision. It is inserted as a device to sweep away legitimate regulation of firearms and to replace it with the outdated and discredited theory of the right to bear arms, which is the slogan that has been advanced by the authors of this repugnant Bill.

Those two aspects of the Bill should cause it to be rejected by all thinking and caring Queenslanders. How can we go back to a situation where access to semiautomatic weapons is as of right? Have we not learned from the calamities of the past?

The experience of those who have worked in the enforcement of the law is that the availability of firearms contributes to tragedy upon tragedy. It is important in a civilised society that there be careful regulation

of guns, just as there is careful regulation of other dangerous things.

Mr Johnson: No guns?

Mr FOLEY: The honourable member interjects, "No guns?" Far from that being the case, the existing legislation sets out a framework for the proper and legitimate use of firearms where there is a compelling reason to do so—not to be sprinkled around like confetti in the community, to be available for use when a temper is lost and when tragedy can ensue. The point of having a system of law to regulate this, rather than a system which would allow access to all and sundry, is to do something for those people who would be killed and maimed by firearms were people allowed unlimited access or the very considerable access which would be permitted under this Bill.

One asks: how could it happen in a civilised society that we find ourselves debating such a provision? It only happened because into this Chamber came One Nation members as a result of a profound moral and political failure on the part of the Liberal Party and the National Party.

Mr GRICE: Mr Speaker, I rise to a point of order. That is offensive to any conservative because all conservatives know that 800,000 automatic firearms were imported into Australia by Mr Keating.

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

Mr FOLEY: It is disappointing to see the frivolous approach taken by the member to a very serious matter. One would have hoped that, in this debate at least, the members of the National Party and the Liberal Party would have had the decency to remember the legacy of the one action that then Premier Borbidge and then Police Minister Cooper will be remembered well in history for. Many times I have stood in this Parliament to attack other issues and other conduct of those gentlemen, but it was as a consequence of the complete moral and political failure of the Liberal Party that this political force in the form of One Nation came to be elected to this Parliament. The Liberal Party and the National Party paid a high price for it.

That demonstrates the ease with which the political fabric of this nation can be torn when those in high office in the major political parties abandon principle in favour of what they see as short-term opportunism. One needs only to slide a little distance from issues of principle before one winds up with this redneck, repugnant legislation being introduced into a Parliament in an attempt to turn back the clock, in an attempt to wipe away the lessons that have been etched into Australian consciousness over the last three years.

The Australian Labor Party will not go down that path. The Australian Labor Party will put itself against such a proposal. The Australian Labor Party will stand up for victims of crime, will stand up for personal safety and will ensure that this redneck, regressive, pro-gun legislation is not allowed to become part of the statute book of Queensland.

The citizens of this State expect better from their law-makers. They expect their law-makers to be contributing to their personal safety. Only yesterday this House passed a Bill to reform the law relating to stalking to extend protection to victims of crime, to extend protection to women whose lives have been made a misery. And now today we see an attempt through this legislation to change the balance, to restore the old order of accessibility to guns, to put at peril the safety of those who deserve the protection of the law. I say to those who would advocate it that the community demands of its law-makers that laws be there to provide strong protection for personal safety, and that is what the Labor Party stands for. We stand for being tough on crime and tough on the causes of crime.

Those opposite should know that one of the causes of violent crime is accessibility to firearms. If one can control accessibility to firearms, one can be tough on the causes of crime. But, no. What we see from One Nation is its softness on the causes of crime and its desire to see greater accessibility to firearms, notwithstanding the plain evidence that such accessibility leads inevitably to damage and violent crime being committed.

Just last week our television screens and newspapers were filled with the images of grief—grieving schoolchildren, grieving parents. What caused that grief? Two children who took weapons to their school to act out their own violent fantasies. There are none so blind as those that will not see. All about us is the plain evidence of the need for gun control. All about us is the need to ensure that we live in a civilised society where access to firearms is regulated carefully in order to ensure that people are not unnecessarily made the subject and victims of violent crime. The Bill before the House should be rejected out of hand.

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (10.08 p.m.): I rise to oppose the Weapons Amendment Bill introduced by the honourable member for Caboolture. This Bill

raises a fundamental question; that is, what sort of society do we want? Do we want a society where some families live with the constant fear that, if ever a domestic dispute gets out of hand, tragedy is only a gunshot away? Do we want a society where we dare not accidentally cut someone out on a freeway because there is a chance they might have a .357 magnum in their glove box? Do we want a society where students open fire on their classmates? I certainly do not.

The tragedy at Columbine High School in Colorado last week prompted a local newspaper item about guns in Queensland schools. Warren Davis, an assistant director-general of Education Queensland, is quoted in the Queensland Times of 23 April as saying that guns in Queensland schools are "an extreme rarity". Thankfully, that is true and I will do everything to keep it that way.

But another quote attributed to Mr Davis in that same newspaper item sums up what I want to say about this matter tonight. Mr Davis is quoted as saying—

"We're not like America yet."

Yet! It is that little three-letter word at the end of that sentence which chills me to the bone. Are we going to roll over and let this country become like America? Are we going to effectively become the 51st State of the United States of America by following everything America does? Or are we going to be our own people? Are we going to stand up for commonsense and for common decency and never become like America?

There are some great things about America. I studied for my PhD in America. My wife is American. My first-born son is American. I have great admiration for the American people, but I do not like the American gun culture, and I never want an Australian gun culture. I want Australia to be Australia.

It is ironic that One Nation, with Pauline Hanson draped in the Australian flag, claims to be the most patriotic political party of them all. One Nation is openly critical of globalisation. One Nation is so proudly Australian that it wants to build trade walls and race walls around our land of the Southern Cross. But when it comes to guns, One Nation is not patriotic. One Nation wants Australia to be America. One Nation wants to take us straight down the American road—the dangerous road, the heartbreaking road, the wrong road.

After the tragedy of Port Arthur, the National/Liberal coalition Government—as the member for Yeronga just pointed out—acted promptly and responsibly to a nationwide call for strict new firearm controls. New laws, formulated after much consultation and debate, have proven to be logical, in the main workable, and enforceable. And most importantly, they have been proven to protect the interests of honest, responsible, law-abiding firearm owners. The legislation introduced by the coalition recognised that there were justifiable grounds for possessing firearms. That proposition was never questioned. The coalition also recognised that the existing legislation provided too much scope for people with unjustifiable grounds to purchase and possess firearms.

In this Bill, the honourable member for Caboolture raises the issue of self-defence. In his second-reading speech he said—

> "We strongly support the concept of self-defence, and so in this Bill defence of a person or the person's family in the person's place of residence will be a valid reason to obtain a firearms licence subject, of course, to satisfying all other requirements under the Act."

The cold hard truth is this. When a person gets a gun for self-defence in their home, self-defence more often ends up as family attack. An extensive research project undertaken by Dr Arthur Kellerman, Director of the Center for Injury Control at Emory University in Atlanta, found this——

One Nation Party members interjected.

Dr WATSON: Those members ought to listen, because they just might learn something.

Mr Nelson interjected.

Mr Knuth interjected.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The honourable member for Tablelands and the honourable member for Burdekin! I have been quite restrained so far with their interruptions. They should let the member have a fair go, the same as they will get a fair go when it is their turn.

Dr WATSON: Mr Deputy Speaker——

Mr Nelson interjected.

Mr DEPUTY SPEAKER: Order! I have asked the member for Tablelands not to defy me. He has had a warning. He will allow the member to continue his speech in silence and extend the same courtesy to the member as that member will extend to him.

Dr WATSON: As I was saying, an extensive research project undertaken by Dr Arthur Kellerman, Director of the Center for Injury Control at Emory University in Atlanta, found this: a gun kept in the house is 43 times

more likely to be used to kill a family member or a friend than an intruder. Let me repeat that: a gun kept in one's house is 43 times more likely to be used to kill a family member or friend than it is to kill an intruder. In a study examining 743 deaths in the home from gunshot, only two out of the 743 people killed were intruders—two out of 743. The other 741 who ended up dead were family members or friends. Being an American study, some people may say that this has no relevance to the gun debate in Australia. Well, let us look at an Australian study.

The October 1991 issue of the Medical Journal of Australia reports on a study done into all the firearm deaths that came before the Brisbane Coroner between 1980 and 1989. In that time, the Brisbane Laboratory of Pathology and Microbiology collected data on 587 firearm deaths. Four hundred and sixteen of these deaths were from the Brisbane metropolitan area and 171 were from other parts of Queensland. One cannot get much closer to home than that. Let me read to members the results and then the conclusions of that study.

Suicide accounted for 76% of the firearm-related deaths. If we are serious about curbing youth suicide and suicide in general, then that alone is reason to make it harder to obtain a firearm. But back to the figures. Of the remaining 24% of firearm deaths, 18% were from homicide, 3% were accidental and 3% were undetermined. Of the 108 homicide deaths, almost half were committed by family members, while friends and acquaintances accounted for another quarter. This Queensland study found only one case where the homicide was the result of a civilian killing a felon. So for all caring Queenslanders, and especially for those who have children, this study makes a chilling conclusion. It says—

> "Parents who keep firearms for reasons of family protection should realise that if their guns ever did kill someone, the most probable victim would be their young adult son dying by his own hand."

In America and in Australia, two independent studies have reached the same chilling conclusion. With a gun in the house, self-defence is much more likely to become family attack. In other words, if a person keeps a gun in the house for self-defence, the person who is most likely to end up dead is someone they love.

There is one other issue about this debate that I want to clear up. For far too long now we have been forced to swallow the assertion that people have always had some God-given right to bear arms. In all these debates about guns, someone always trots out that old chestnut: "Citizens have a right to bear arms." Let me set the record straight about that statement once and for all.

The English Bill of Rights of 1688 does mention that people have a right to bear arms. But the actual wording in that Bill of Rights is this—

> "That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law."

Members heard me correctly. The original Bill of Rights said that only Protestants could bear arms, and it also said "as allowed by law".

Mr KNUTH: I rise to a point of order. The member is misleading the House. The original Bill of Rights does say that Catholics already have the right to bear arms.

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

Dr WATSON: The original Bill of Rights said that only Protestants could bear arms, and it also said "as allowed by law". Perhaps the honourable member for Caboolture and his colleagues could live with that full wording, but I am not sure whether anyone else could. That archaic law has no relevance or place in our modern society.

In conclusion, I call on the members of One Nation and any other people in this House who might support this Bill to be truly patriotic; put the interests of all Australians first; and do not take us down the American road. Instead, they should help us maintain a society in which people do not have to live in constant fear that a domestic dispute will end in death, or that a neighbourhood dispute will end in tragedy, or that schoolyard jealousies might one day turn into schoolyard massacres. Let Australia show the way. Let Australia be a place where my children and their children can live in relative safety. Let Australia be Australia. I urge all members of the House to reject this Bill outright.

Mr MUSGROVE (Springwood—ALP) (10.18 p.m.): I commence by acknowledging the contribution made by the member for Moggill. It was a sensible contribution. It is just a great pity that we would not be here tonight debating this Bill were it not for the Liberal Party's dalliance with the forces of One Nation in relation to shonky preference deals in the State election. However——

One Nation Party members interjected.

Mr MUSGROVE: Come in spinner! I rise tonight to voice my concern about and profound opposition to the proposed amendment to the Weapons Act 1990 put forward by the member for Caboolture and One Nation. The fundamental principles behind the Bill are that the possession and use of firearms, in particular semiautomatic weapons, are subordinate to the need to ensure the safety of both individuals and the public.

I know that all members in this place would remember the great tragedy of the Port Arthur massacre, which occurred three years ago today. That massacre so united the Australian community and transcended the divide of politics that, in May 1996, the Australian Police Ministers Council agreed on in-principle changes to the respective Weapons Acts in each Australian jurisdiction.

In my contribution to this debate I will address the failings of this Bill in four broad categories. Firstly, I will turn to the needs of legitimate weapons users as opposed to the extremist gun lobby. Secondly, I will turn to the issue of Commonwealth/State relations. Thirdly, I will come to the issue of individual rights. Finally, I will deal with the issue of minimising unnecessary red tape. I shall now deal with those issues in turn.

I am sure that the One Nation members and, perhaps, the five Independent breakaway members will try to portray this Bill as representing the wishes of legitimate gun users. Let me put this issue to bed, hopefully, once and for all. Members opposite may or may not be aware of the great Australian Mr Russell Mark, who was a gold medal shooter for Australia at the Atlanta Olympics. Mr Mark had some very interesting things to say in relation to gun laws on Radio 4QR on 27 February 1999. He said—

> "To be quite honest I think the biggest tragedy was that it took something of the magnitude or Port Arthur before the Governments in all States got their acts together to ban semiautomatic rifles because everybody who competes in our sport can see there is no need for that type of gun."

I repeat: "no need for that type of gun". They are not my words, they are not the Government's words; they are the words of an Australian gold medallist shooter.

Mr Grice: 800,000 of them were allowed into the country by Paul Keating.

Mr MUSGROVE: I am disappointed in the contribution by the member for Broadwater, who seeks to trivialise this issue in party-divisive politics.

Mr GRICE: I rise to a point of order. I find that offensive and ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The member finds it offensive and asks for its withdrawal.

Mr MUSGROVE: In deference and out of respect to you, Mr Deputy Speaker, I withdraw.

Mr DEPUTY SPEAKER: Order! No, you will withdraw it unequivocally.

Mr MUSGROVE: I unequivocally withdraw it if the member finds it offensive.

Mr Barton: We find him offensive.

Mr MUSGROVE: We know how he voted in the party room ballot on this one. There goes any claim that this Bill represents the mainstream of gun users. Mr Mark, our gold medallist shooter, continues—

> "When they finally did ban it, I think, the sport was cleaned up a lot. There were some radical people involved in the gun lobbies who really weren't talking for the good of our sport, but now I honestly see the two issues have been separated. There's the gun lobby—the extremists—and there's the people in the gun lobby who support the people like myself who are legitimately using a firearm for their sport."

Quite clearly, when Mr Mark refers to the gun lobby and the extremists, he is talking about the people whom One Nation seeks to represent in this place. They are the people who want the law changed back to give semiautomatic weapons to the gun nuts, to the paramilitary groups and to the extremists.

An honourable member interjected.

Mr MUSGROVE: I can assure the honourable member that I know the difference between centre-fire and rimfire etc. I am sure that the members of One Nation would like to see something in Australian law similar to the American constitutional right to bear arms. I say to all members, and to the community in general: Australia, do not become America.

I particularly urge National Party members to join the Government in opposition to any relaxation of gun laws—not just tonight, not just tomorrow night, but for the future. I say this because the Nationals are already pandering to the extremist elements of the gun lobby. The current temporary Leader of the Opposition does not have the leadership strength to say "no" consistently to the extremist constituency because he wants their votes and he will do anything to get them.

An Opposition member interjected.

Mr MUSGROVE: Can I say this to members opposite: it must be particularly distressing on the third anniversary of the Port Arthur massacre to see the Leader of the National Party, notwithstanding his limp-wrist comments tonight, openly flaunting a relaxation of gun laws in today's Courier-Mail. How would honourable members feel if they were one of the survivors of the Port Arthur tragedy and saw that article today? Today is a day of bereavement.

Of great need in this nation are guns of smaller calibre and politicians of larger calibre. Unfortunately, the Leader of the National Party and the members of One Nation are of small calibre but are bigger "bores" than most.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! The member for Caboolture!

Mr MUSGROVE: The Blackshirts are going nuts again. Any move by the Nationals to unwind the agreements reached in May 1996 would leave the Leader of the Opposition utterly condemned. Even little Johnny Howard has shown leadership on this one issue.

I will now turn to the issue of Commonwealth/State relations. Honourable members opposite should listen because they may have trouble keeping up with this one. This Bill breaches so many of the resolutions reached at the May 1996 Australian Police Ministers Council meeting that it is difficult to know where to start.

Firstly, this Bill seeks to remove the present prohibition on the possession and use of all automatic and self-loading rifles and shotguns, except in special circumstances. Quite clearly, this would remove the first resolution of the Australian Police Ministers Council meeting and it would remove the fundamental basis of the current gun laws.

Mr Veivers: How many shells can you have in an automatic shotgun now? Tell me that.

Mr MUSGROVE: I do not regard a semiautomatic shotgun as a legitimate weapon for home self-defence. It is banned under the Geneva Convention. How are you going to vote, Mick?

Mr DEPUTY SPEAKER: Order! The member for Southport!

Mr MUSGROVE: Are the member for Southport and the member for Broadwater going to vote with this lot?

Opposition members interjected.

Mr MUSGROVE: How are you going to vote, Mick?

Mr DEPUTY SPEAKER: Order! The member for Tablelands! The member for Southport! I would ask the member for Springwood to address his comments through the Chair. I would ask the members for Southport and Tablelands to restrain themselves.

Mr MUSGROVE: As I was saying before all this rabble interrupted over here, the Bill seeks to remove the present prohibition on the possession and use of all automatic and self-loading rifles and shotguns, except in special circumstances. Secondly, the Bill also removes the registration of all weapons contained in resolution No. 2 of the Australian Police Ministers Council meeting of May 1996. Members opposite might want to take their shoes off so that they can keep counting.

Thirdly, by reintroducing the private sale and trade of weapons the Bill does away with the permit to acquire system and is in breach of the Australian Police Minister Council resolutions Nos 7 and 8. Fourthly, by including defence of self and family as a genuine reason, the Bill is in breach of the Australian Police Ministers Council resolution No. 3, which provides that personal protection should not be regarded as a genuine reason for owning a weapon.

The consequences of this particular amendment would be the dismantling of the original principle of weapons possession being subordinate to public and personal safety. This Bill also seeks to remove the five-year limit on the issue of all weapons licences, which is in blatant breach of the Australian Police Ministers Council resolution No. 4. By restricting how the Police Commissioner can release material, the Bill is in breach of the Australian Police Ministers Council resolution No. 2, which requires the national exchange of registration details of firearms.

Mr Nelson interjected.

Mr Feldman interjected.

Mr MUSGROVE: Is that lot opposite getting a history lesson yet? Do they understand a word that I am saying? I doubt it! It is a bit complex. By changing the storage requirements for weapons, the Bill is in breach of the Australian Police Ministers Council resolution No. 8, which requires weapons to be held securely in a closed container.

The result of all of these breaches is that Commonwealth/State relations would be fundamentally jeopardised. Of course, that has

significant funding implications. I know you lot do not care about money.

Mr DEPUTY SPEAKER: Order! The honourable member will address his comments through the Chair.

Mr MUSGROVE: I know that lot on the grassy hill do not care too much about the financial implications of Commonwealth/State relations. They want to put up a fortress Queensland, guarded from trade and guarded with guns.

Mr Feldman interjected.

Mr DEPUTY SPEAKER: Order! I warn the honourable member for Caboolture.

Mr MUSGROVE: One Nation does not want Governments to know who has the weapons. They want an inalienable, long-term right to hold those weapons, and they want to be able to hold them for any reason. Of course, One Nation—or "five nations"—purports to be the defender of individual rights: rights against big Government and the right to do what the individual wants regardless of the effect that has on the community. If this Bill became law, it would erode more rights than it reinstated. Anyone convicted of an indictable offence would be banned for life from owning a gun, and I am not sure One Nation necessarily wants that.

In addition, doctors and psychologists will be forced to add people's names to the register, which is a direct breach of doctor/patient confidentiality and may, in fact, encourage people with guns who need help to refuse to go to see a doctor. This Bill would add another layer of needless bureaucracy and red tape by creating the prohibited persons register. In addition, for people to have their name removed from the register, doctors or psychologists have to file another report, which means more red tape and more breaches of doctor/patient confidentiality.

This Bill also sets up its fair share of committees—an additional two committees. One Nation wants to set up a community liaison committee, which means more red tape and more people dependent upon the public purse. The Bill also wants to reduce the time for interstate applicants to make and resolve an application for a gun licence from three months to a mere 28 days. I am advised that this would place an unreasonable administrative burden on police and would divert them from their core business of catching criminals.

The hypocrisy in all of this is that the member for Caboolture complained that the current gun laws would place an unreasonable administrative burden on police, yet he wants them to clear interstate gun licences in a matter of a mere 28 days. Quite clearly and quite obviously, that will mean that police will be taken off the beat for the purpose of putting semiautomatic weapons back into the community.

To summarise, this Bill does not represent the views of legitimate gun users; only the extremists. It creates more red tape, which One Nation claims to oppose. It tramples on individuals' rights, which One Nation claims to stand up for, and it seriously jeopardises Queensland's place in the Commonwealth and our participation in issues of importance on the national agenda. I urge all members of the National Party in this place to oppose any relaxation of gun laws, not just today, but in the future, lest Queensland becomes a national laughing-stock.

Mr HORAN (Toowoomba South—NPA) (10.34 p.m.): This is a very serious debate, and it has disturbed me to see the antics of the last 10 minutes or so. However, I want to start by saying that when the Port Arthur incident occurred, it turned our great country of Australia totally upside down. This great country did not deserve the Port Arthur incident and the events that have occurred since the Port Arthur incident. Australia is too great a place to have had that, but history shows that, tragically, it has occurred and it has affected so many people in our society. In a way, it has almost been like the stain of Cain and we have to work our way through it.

It is almost bizarre that tonight, on the third anniversary of the Port Arthur incident, we are debating this Bill. Ultimately, we believe that there will be a need for sensible, safe and practical refinements to the gun legislation. Good, decent people in our country were deeply hurt by the gun legislation. We on this side of the House represent many people in our electorates who have been sporting shooters for all of their lives, as were their predecessors. We represent people for whom the use of guns on their properties for rural pursuits has been a part of their life—for the culling of animals, for the humane putting down of animals, and for the provision of food. We represent people who are good, decent, law-abiding people. They are part of the Australia that I referred to who did not deserve Port Arthur and who did not deserve the hurt that came as a result of what this country had to do.

I was part of a Government that had to address one of the most difficult issues that any Government could ever have to address.

The courage that was shown by our Police Minister at the time, Russell Cooper, was quite extraordinary because, although we were representing people and we were representing our constituency, we knew of the tragedy that had occurred and we knew of the overwhelming desire in Australia to rid this country of military automatic-style weapons so that tragedies of that dimension could never occur again or, hopefully, could be reduced. We knew of the overwhelming and overbearing resolve of the Federal Government and the other States to bring in this legislation in the way in which it occurred so quickly. It was rushed into so quickly after the tragedy of Port Arthur. However, we also knew that we had to stand up and fight to get the absolutely best possible, practical, safest and sensible legislation and arrangements in place.

I say to this House that we could have taken the easy path. We could have said, "No, no, no" to everything. We could have engaged in grandstanding; we could have stood there and said, "No, we are totally opposed." However, we would have been irresponsible in doing that, because we would have been letting down the people of Queensland. We would have been letting down those people who were absolutely horrified by what had happened at Port Arthur—the families and women who wanted to see a stop to automatic weapons of military calibre and semiautomatic weapons that had such potential for destruction. We would also have been letting down all of those people who were professional shooters or who used guns in rural pursuits or in running their properties, the sports men and women, the elderly people who had guns—we would have been letting them down as well. It would have been the easy task for us to just stand up and say, "No", and perhaps some people would have said that we were heroes. What would we have done in the long run for the good, decent people of Queensland who legitimately have guns, who are as honest, god-fearing and law abiding as anybody else in this great country? We would have been letting them down, because they would have had imposed upon them legislation far tougher and far harder than what we have today. Despite that fact, we have been able to get some improvements in it.

A large number of improvements are contained in the legislation, and I will go through them. I say again that this was a time of national grief and emotion, and everything was rushed. If there is one lesson to be learned from this whole episode, it is not to make decisions at a time of emotion but to allow a little time to bring some sensibility and practicality to the debate. However, we had to act. We had to face our responsibilities and we had to face reality. We had to achieve the best that we could for all Queenslanders.

I will go through some of the things that the coalition was able to achieve. Under the 10 May APMC agreement, collectors with category C firearms had to render their firearms permanently inoperable and any firearm manufactured after January 1946 had to be rendered permanently inoperable. The Queensland coalition achieved the concession that all category A, B, C and H firearms must be rendered temporarily inoperable only, so as not to reduce the value of the firearm in question. With heirlooms it was proposed that firearms rendered permanently inoperable required a licence. The Queensland coalition achieved the removal of the requirement that firearms rendered permanently inoperable required a licence and now no licensing conditions or limit is imposed on firearms rendered permanently inoperable for categories A, B, C and H.

It was proposed that the right existed for sporting shooters to use category C firearms. However, category C firearms were not accessible to sporting shooters in sporting events under the proposals that were put forward. The Queensland coalition achieved the concession that category C firearms be available to sporting shooters affiliated with the Australian Clay Target Association, the Sporting Shooters Association of Australia or the Field and Game Association. The Federal Government had nominated only the Australian Clay Target Association. Queensland rejected that proposal as it would have discriminated against other clay target shooting bodies.

In relation to primary producers, it was proposed by the Commonwealth that access to category D firearms be limited to professional shooters and associated occupational needs. The Queensland coalition fought and won the concession that allowed the expansion of this category to include primary producers who cull feral animals in particular circumstances. Queensland also won a further concession to increase the number of category C weapons available to primary producers, depending on the size of their properties.

It was proposed that the provision relating to antique firearms be limited to those manufactured before 1900 and not designed to discharge cartridge ammunition. That

caused undue hardship to firearm owners falling within this category. After consultation with interest groups in the field, the Queensland coalition achieved a wider definition. Antique firearms are now defined as firearms manufactured before 1900 that are muzzle loading, cap and ball, use ammunition that is no longer commercially available or are nominated an antique firearm by an authorised officer.

Other concessions that the Queensland coalition achieved include: the modification of the registration of firearm parts so that only a receiver or action needs to be registered; firearm licence holders from interstate or overseas are no longer required to undertake a firearms safety training course to obtain a Queensland licence; licensed gun owners may now borrow or mind a firearm for another person for up to three months without a permit, as long as the firearm borrowed is in the same category as the licence held by the gun owner; and where a firearm licence is revoked because of a mistake of fact by Queensland police, the licence can now be reinstated without court proceedings.

The Queensland coalition fought for other concessions, but they were rejected by Canberra. The Queensland Government and the Police Minister of the time showed an amazing strength of commitment and courage in a most difficult and dark moment. Above it all was an overriding sense of the Government's responsibility for the safety and care of the people of Queensland. We fought for a concession to enable the crimping of semiautomatic weapons so that rapid fire shotguns could be modified to comply with the Commonwealth standard, but it was rejected by Canberra. Queensland fought hard and long for this concession, arguing that not only would more people be able to keep their firearms but also that the money saved through compensation payments—approximately $180m—could be used to administer the new laws. Canberra refused to compromise.

We consistently lobbied the Federal Government to extend the compensation payout deadline beyond September 1997. The Commonwealth refused to extend the deadline, preferring to listen to the Canberra bureaucrats who were far removed from the realities of the huge financial and administrative implications of the guns buyback scheme. Recognising the potential injustice of those compliant firearm owners waiting on the approval of licences, Queensland organised for firearms to be officially handed in by owners but to be withheld from destruction until the result of the applications came through. That was another example of Queensland's determination to achieve the most fair and just outcome for firearm owners under the most difficult of circumstances.

A number of concessions were agreed to by the Queensland Cabinet. They were sensible, fair and safe. For example, licensed gun owners had a waiving of the 28-day cooling-off period when purchasing or acquiring additional firearms. That relates to those gun owners who already have licences. The same checks are done, although in a much shorter time frame. The 28-day cooling-off period still applies to first-time applicants. The advantage of removing the 28-day cooling-off period for second and subsequent weapons is that it removes hardship on professional shooters, particularly those who have to travel long distances. It also removes the hardships on competition target shooters and firearms trainers who may need replacement firearms at short notice and do not have the luxury of waiting 28 days for a replacement gun.

The Queensland coalition Government was able to introduce a number of other innovations, including the introduction of new licences for malicious weapons such as those used in martial arts; the recognition of interstate firearm licences; and the clarification of the requirements for the secure storage of firearms. The rules surrounding the secure storage of firearms were clarified so that gun owners with a large number of firearms need to meet the standards set for collectors of firearms. Collectors with 30 or fewer firearms need to meet the general standard for the secure storage of firearms. The clarification of the requirements for the storage of firearms in vehicles or whilst away from home was also undertaken.

It is important to recognise the policy direction that we set. As I said at the outset, we strongly believe in the need for safe, sensible and practical refinements to the regulations. As time goes by we can see what is safe, what is practical, what is not working and what needs adjustment, and we can continually make the situation better for all concerned.

I seek leave to have incorporated in Hansard a letter from the Honourable Tim Fischer, the Deputy Prime Minister of Australia.

Leave granted.

Dear Mr Horan

Thank you for your recent communication seeking information on the Government's position regarding CrimTrac. I am aware of the recent edition of Australian Shooters Journal discussing CrimTrac and its purpose.

At the outset, let me assure you that, contrary to misinformation about CrimTrac, the Government will not be establishing a single national database containing both criminal information and details of law abiding firearms licence holders.

The Government's initiative involves the establishment of a national inquiry system for Australian police that will facilitate access to relevant information in separate databases already held by the Commonwealth, State and Territory police services. A national inquiry system will assist police services and law enforcement agencies to overcome the difficulties with incompatible communication systems. It will also make the operation of police services more efficient and effective.

This system has received the full support of the Australian Police Ministers' Council (APMC) at its meeting in Auckland on 17 November 1998.

The editorial in question also raises the issue of licensing and registration of firearms. The licensing and registration of firearms has never implied criminality on the part of the owner.

As part of an initiative to make our communities safer, all Australian Governments agreed in November 1996 to the establishment of National Firearms Licensing and Registration System (NFLRS). The licensing and registration system is currently being developed at the request of the APMC. When completed, it will provide police with easier and quicker access to details of license holders and registered firearms currently available from individual State and Territory Firearm Registries. The NFLRS is not, however, a criminal database.

Individual records on the NFLRS simply note possession of a firearm licence and details of any registered firearms. Inclusion of a person on the NFLRS is not, nor ever has been, an indicator of criminality. There is no record on the NFLRS of whether or not a person has committed an offence, or had their fingerprints taken or had their DNA profile recorded following a criminal conviction. Neither will this approach change with the development of the CrimTrac system.

The NFLRS is a record keeping system; one that helps to protect the public from unauthorised access to firearms while helping to protect the integrity and reputation of genuine law abiding firearms licence holders.

I hope this clarifies the issue for you.

Please accept my best wishes.

Yours sincerely

(Sgd)

TIM FISCHER MP

Mr HORAN: As a result of a deputation that I received from the Toowoomba Pistol Club, I wrote to Tim Fischer, the Deputy Prime Minister, regarding the matter of CrimTrac. I appreciate being able to incorporate his reply in Hansard, because I think it puts to bed a lot of myths that have been created about the issue.

We were faced with reality, and I have no doubt that the courage, determination and responsibility shown by the National/Liberal coalition in the face of adversity has meant that we have achieved the very best that could be achieved at the time for the Queensland people—those who are concerned about semiautomatic and automatic weapons, and the decent, legitimate shooters and professional users of guns and firearms.

Mr Veivers: And we will look at it again, won't we?

Mr HORAN: I have said that we are looking at safe, sensible and practical refinements.

Previous speakers from our side have said that one of the core issues in the development of the original legislation was the restriction of access to military-style automatic weapons and semiautomatic weapons. In hindsight, if more time and care had been taken and we had time to cool down and carefully consider all sides, which is what we were endeavouring to put forward, and if the nation had simply said, "We want to prohibit military-style automatic weapons", there would have been far greater compliance. However, that is history. We now have to deal with reality and make the very best of this legislation and be fair to the good and legitimate gun owners who have been offended deeply.

I wish to turn to that part of the Bill that takes out of the objects of the Act the wording "the prohibition on possession of all automatic and self-loading rifles and automatic and self-loading shotguns, except in special circumstances". If this Bill were passed tonight, that would be removed. That has been the core that all of Australia agreed upon initially, namely, that the problem we faced was the availability, possession and use of automatic weapons. If that were removed, how could we consider seriously the balance of this Bill, some parts of which relax the transaction process, for example, shifting it from licensed gun dealers. However, I will not go into all of the other detail, because this is the core. As has been said by the Leader of the Opposition, this is the core of the whole Bill, and that means that we cannot support it.

In addition, this Bill contains a litany of serious flaws. I have had the Bill examined carefully by a weapons expert and an expert in legislation. I do not intend to go through those matters, because I think in the second-reading debate we should be speaking only about the key issues and principles. However, it is disappointing that a Bill of this seriousness has a long list of flaws that, had it reached the Committee stage, would be almost impossible to deal with. That is a shame, because we are dealing with a very serious matter.

I wish to state a few things that are obvious to many people but which must be pointed out in this House. When the guns were handed in, they were handed in by the good people. When licences were obtained, they were obtained by the good people. The registration was undertaken by the good people. Deep offence and hurt was felt by the good people. I cite the example of the 75-year-old lady who came into my electorate office. She was deeply hurt and offended, because she had received her gun from her father. That lady had retired to Toowoomba many years ago.

I commenced my speech by speaking about what a great country Australia is. This great country never deserved what happened at Port Arthur. This is the last place on earth where that should have ever happened. It is these good people who have handed in their guns, who have complied with the licensing and registration requirements and who have had to put up with the hurt and offence that has at times resulted from this process whom we should salute today. Many of those people have accepted the reality of what happened—the fact that the legislation was brought in two years ago and that the buyback concluded well over 12 months to 18 months ago.

We are faced with reality and practicality. We have to deal with the issue of today. We have to deal with the two sides of our community. The overwhelming majority of people do not want to see automatic and semiautomatic weapons freely available in our society. We must never lose our respect for the good, decent and legitimate gun owners and shooters who have abided by this legislation in spite of their hurt. In conclusion, we believe that over time, as we understand the ramifications and problems, there will be time for safe, sensible and practical refinements.

Mr LUCAS (Lytton—ALP) (10.54 p.m.): Tonight I am pleased to speak in the debate on the Weapons Amendment Bill. As the Minister pointed out in his contribution, this Bill is a paradox. It is symptomatic of some of the contradictions in the material that we get from the One Nation benches in this place. Its Bill is mixed up and schizophrenic in its drafting. On the one hand, the member wants to pander to the extreme sections of the gun lobby and, on the other hand, he wants to restrict gun ownership in a manner that is so onerous that he clearly could not have intended it when he was drafting the legislation.

If Mr Feldman is intending with this legislation to keep the extreme elements of the gun lobby in his camp, he will fail. This morning or yesterday morning I was disgusted to hear that he was on—he can correct me if I am wrong—the radio defending Mr Owen and his Internet sites that depict the houses of members of Parliament. That is the level to which he has sunk in this debate. The member ought to realise that, if he is going to make indictable offences the basis of a lifetime ban on gun ownership, he will force more people to hand over guns, which will result in further compensation. That will cost society and the State even more. As a former policeman—and this is the issue that really does surprise me—the member ought to realise that it is the police who are the strongest supporters of gun control. They are the ones who unfortunately have to face the consequences of the irresponsible use of guns. They are the ones who have to face those consequences day after day.

I think it behoves this House to reject the legislation. In reality, one will never be able to legislate to stop violence. Unfortunately, the tendency to violence is a human trait. It is not a trait that comes about as a result of guns being available. But the problem with the use of guns is that guns give an immediacy to putting violence into effect in a direct and serious manner. That is the problem. That is why guns are very dangerous implements that must be restricted to people who can use them responsibly.

Mr Knuth: Have you ever fired one?

Mr LUCAS: Yes, I have fired one.

An honourable member: Do you have a licence?

Mr LUCAS: No, I do not have a licence. When I used guns when I was in the Army Reserve, one was not required to be licensed. Yes, I have used them. I understand that they are very dangerous weapons. I do not have a use for a gun at present so I do not own one. The fact is that the Government's legislation does not outlaw gun ownership but restricts it. It is very unfortunate that these tragedies have

occurred. Tonight I will not impugn anyone's motives except to say that we must err on the side of caution. I think the community accepts that we should do that. The legislation suggested by One Nation is dangerous. I do not honestly think that the member for Caboolture believes in it. It is legislation that he has introduced in a desperate attempt to resurrect some sort of political credibility for One Nation amongst certain elements of its constituency. The fact is that One Nation brought it out before the Mulgrave by-election. We saw what happened to the party at the Mulgrave by-election. We heard the outrageous comments of the member for Tablelands before the Mulgrave by-election. Shortly thereafter, he decided to jump ship.

Mr Nelson interjected.

Mr LUCAS: The member could not remember; that would be right.

In conclusion, I fully support the Government's position. The deliberate use of weapons and guns to cause death is one thing. However, we also have to protect society from the accidental use of guns. For example, unfortunately, children can be killed as a result of guns being housed or looked after improperly. I remember a situation that happened in a family I knew.

Debate, on motion of Mr Lucas, adjourned.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (11 p.m.): I move—

"That the House do now adjourn."

Minister for Mines and Energy

Mr ROWELL (Hinchinbrook—NPA) (11 p.m.): During the last sitting of this Parliament, the Minister for Mines and Energy repeated yet again his claim that he would publicise at every opportunity the fact that the coalition in Government engaged in a debt restructuring in the power industry in 1996 which freed up $850m for public works. The Minister consistently describes the debt restructuring as a rip-off, a raid on the power industry. I can tell the Minister that every time he raises this issue in this dishonest way, I will cause to be very widely distributed around the State the truth about the behaviour of the Minister and the Minister's Government from 1990 to 1996, because it is disgraceful record that shows him to be a total hypocrite.

I will cause to be distributed the facts about the repeated rape of the funds of the Queensland electricity supply industry by the Minister, not by way of debt restructuring but by way of direct rip-offs that totalled over $2.5 billion over the life of the Government. It is, as I say, a disgraceful record—a rapacious record—and I will do it line by line and year by year every time he opens his mouth on the topic, starting with the $17.2m in a so-called loan guarantee fee in 1990-91; moving to the $31.5m in 1991-92, made up of $16.9m in a loan guarantee fee and $15m in dividends; moving on to the $46.3m in 1992-93, made up of $16.3m in the loan guarantee fee and $30m in dividends; growing to the $232m in 1993-94, with $132m in dividends and $100m in income tax equivalents; growing to $1.7 billion in 1994-95.

$1.7 billion in a single year was ripped out of the Queensland electricity supply industry by the member for Mount Isa, who condemns the coalition on an $850m debt restructuring. That massive raid on the industry by the member for Mount Isa was made up of $213.5m in dividends, $123.5m in income tax equivalents and $1.37 billion in a debt restructuring payment—almost $1.4 billion in debt restructuring payments in a single year. What did the member for Mount Isa do with it? What did he do with the sly billion dollars? He gave it to Paul Keating! The member for Mount Isa was Paul Keating's Khemlani. The funds of Queensland taxpayers went to pay Paul Keating to try to prop him up in relation to the 1996 election. What a waste of time!

Honourable members should compare that with what we did with the $850m of Queensland taxpayers' funds in our debt restructure. Every cent of it went back to Queensland. It went back to Queenslanders in schools. It went back to Queenslanders in hospitals. It went back to Queenslanders in ambulances. It went back to Queenslanders in police stations. It was their money, after all. That is what Queenslanders will be told every time that the Minister misrepresents our debt restructuring of this industry.

If the Minister starts telling the truth—and only if he starts telling the truth—about his record and our record, I might let up on him. If he starts telling people that he started ripping off the Queensland electricity industry literally years before he had in place the corporatisation policy that was to justify things such as credit enhancement fees, dividends and income tax equivalent payments, then I might let up.

If the Minister is honest about the fact that his Labor Government took, in total, some $2.5 billion from the electricity industry, then I will let up. There is no question about that. If he admits the fact that the coalition received $850m from a debt restructuring and gave it back to Queenslanders in capital works, if he admits that he took almost $1.4 billion in a single year from the Queensland industry to give most of it to Paul Keating to try to save his miserable political hide, I might let up. But if he does not, I will not, and it will take every utterance that he makes——

Time expired.

Goods and Services Tax

Mr PITT (Mulgrave—ALP) (11.05 p.m.): The Queensland Labor Government remains firmly opposed to the introduction of a goods and services tax. The GST is a regressive tax. It will seriously affect low income earners, pensioners and any other number of people because it does not take into consideration differing circumstances. This is particularly the case in a decentralised State such as Queensland, where a high percentage of the population is located a considerable distance from the metropolitan area.

Despite all the debate about the GST leading up to the 1998 Federal election, very little was said about the effects of the GST on the cost of living in the outback. If people choose to live in a remote area, they do so knowing that most of the things that they have to buy will be more expensive due to the higher cost of freight, electricity, plant repairs, etc. that have to be borne by retailers operating in remote locations. However, it seems unfair that they should also pay more goods and services tax than city dwellers.

When the Prime Minister, John Howard, revived the GST as part of the Federal Government's plan for a new tax system, it was apparent to me that the new tax would disadvantage people living in remote and rural areas. It is inherent in a tax levied on the final retail price of goods and services that people living in the outback, where the cost of living is unavoidably higher than in the cities, will pay additional tax. In the preamble to the Government's publication, the Howard Government's Plan for a New Tax System, Treasurer Peter Costello stated that the new tax system needs to be fair and non-discriminatory between different sectors of the economy and that there should be appropriate compensation for those deserving of special consideration. Noble words indeed, yet in the entire document there was no mention of the special circumstances of the bush, of families on cattle stations, of remote Aboriginal communities, of the islands of the Torres Strait or of outback towns. Not a word has been written about measures which would compensate country people for the extra GST that they will pay. They have been forgotten by the Howard Government.

Raising a family in the bush is hard and getting harder, even without the added burden of an unfair and discriminatory retail and service tax. Living in a remote town or community is less expensive in some ways than living in the cities. House prices and rentals may be substantially lower, as is housing quality, and there are fewer opportunities to spend on entertainment or luxuries, such as takeaway food. However, the great majority of the things that people have to buy are substantially more expensive due largely to freight costs but due even more to the higher cost of operating a retail business in a remote location. Telephones cost more to install and to use; electricity and water costs substantially more to supply, especially if one has to have a generator or pump and tanks; and equipment repairs and building maintenance all cost more because of the distance that tradesmen have to travel.

The small scale of remote enterprises rules out the high staff productivity and low service cost per item achieved by large supermarkets. I have not encountered profiteering by storekeepers or other abuses of their positions as sole or primary providers of those basic supplies. In fact, some stores mark up luxury or non-essential items or those things likely to be favoured by tourists as a means of minimising the mark-up on basic foodstuff sold to residents. Furthermore, most remote stores also extend credit to regular customers in times of financial hardship. Children are not left unfed just because their parents have run out of money.

The Federal Government plans to abolish wholesale sales tax as one of the ways to compensate us for the introduction of the GST. If a grocery store in a remote location and a similar store in Brisbane buy from the same Brisbane wholesaler, as they do, both stores pay the same amount of sales tax. Wholesale sales tax is levied before the additional costs of the remote store are added to the cost of the item. So the removal of sales tax will reduce the base price by the same amount, regardless of the location of the store. The GST, however, is calculated on the final retail price. So while the shop in the bush is compensated by the same amount by the removal of the sales tax, the GST paid as a

replacement will be substantially higher than that paid by the city resident.

The Howard Government also plans to reduce income tax and increase pensions as other ways of compensating us for the introduction of the GST. The size of the tax cut will depend on how much a person earns, wherever they live, but the GST paid by regional residents will be higher. Pensions will increase by the same amount, regardless of where a person lives, but again a GST paid by outback residents will be higher. It has been traditionally a priority of Australian Governments to ensure that remote and rural communities are protected as far as is possible from the higher cost and other disadvantages resulting from the tyranny of distance.

Those who live in the city understand that basic services, such as roads, schools, hospitals, telephones, electricity, banking and postal services all cost much more to deliver to those who live in the outback and are content that such services should be cross-subsidised. In contrast, the GST is discriminatory against rural residents, as we shall pay more tax on the same goods than folk in the cities. Furthermore, the compensatory measures of the sales tax removal, income tax cuts and pension increase will assist families in the cities to a greater extent than families in the bush. The GST will directly, substantially and unfairly penalise those people living in the outback.

Kingsthorpe State School

Hon. T. R. COOPER (Crows Nest—NPA) (11.09 p.m.): I raise an issue concerning the Kingsthorpe school, just west of Toowoomba. Because of varying circumstances, the days required to be worked by the female janitor/groundsman, who was doing a top job looking after that school, have been cut from five to three and will very soon be cut to one. That is because student numbers have dropped to just under 200. There are reasons for that.

As is the case in a lot of country towns, the school area itself is large. Quite obviously, the school needs help to keep it neat and tidy, and it does a top job. I pay credit to Mrs Karen Allen and Mrs Donna Barnes of the P & C, and to the principal, staff and students, who all work together. Credit should go to them because they have pulled themselves up by their bootstraps under very difficult circumstances.

I remember visiting that school in 1992, when I first became member for the area. For 30 years I had driven past. Anyone who has been past it on the Warrego Highway knows what a beautiful area it is. The school is in very lovely surroundings. If members went to the school, as I did then, they would realise that problems exist there. They would not know about those problems unless they went and found out.

I talked to the staff and could see that morale was low and that they had some problems. The school is in a low socioeconomic area and the difficulties that come with that need to be overcome. Without going into detail, they overcame those problems. It is all due to people at that school and in the district who recognised that they had a problem and lifted their game. The working days of the janitor/groundsman should not be cut. The area should be rewarded by having those days at least maintained at three.

We cannot keep putting people and schools down in this way. The morale, which was so low, has been built up. Problems have been recognised and overcome. I think it is a great pity if in this day and age we cannot use a little bit of flexibility and show compassion to areas that deserve it. I am not blaming Education Queensland in Toowoomba. It has rules to abide by. However, if there is any flexibility in its rules and guidelines, then that flexibility should be used in order to maintain the three days of work currently undertaken by the janitor/groundsman every week. Quite frankly, I do not think that is a very big ask. I think it is a very small ask for people who have lifted their game and have done the job for the whole town and district. They are encouraging more and more students to attend that school. I know that, in time, the school will make it.

I think that everyone has to pull their weight in these circumstances and I believe that the Minister could get involved. I would like the Minister to intervene, as he has done before in certain circumstances, in these sorts of instances. The Minister would not know about these instances unless we brought them to his attention, because there are a lot of schools in the State. If we see that people deserve some recognition, encouragement and support, then we should try to provide it. I am sure that the Minister would see it my way.

As I said, this is a school in a low socioeconomic area. There is rental assistance and there are people from broken homes. If we are going to keep putting these areas down, then things will only get worse, and that is the last thing we want to see. I believe that people should be rewarded for the effort they make. If the flexibility is there, then it should be

used. If there is no flexibility, then the Minister can and should intervene. I believe that he would. As I said, it is not a big ask. This is a plea to the Minister to intervene to help Education Queensland in Toowoomba to make a decision that will improve the lifestyle of people in the area and recognise the effort that these people have made over a number of years to overcome the difficulties they have faced. They are building that school into something of real value. I appeal to the Minister. I will certainly be talking to him. As I say, the people of the district deserve credit. I believe that most members in this House, if they knew what that school has been through, would support what I am saying.

Polish Immigrants; Blackwater Creek Floodway

Mr LUCAS (Lytton—ALP) (11.14 p.m.): On Friday, 9 April I was honoured and privileged to represent the Minister for Transport and Main Roads, the Honourable Steve Bredhauer, at a commemorative ceremony at the Blackwater Creek floodway near Adavale to recognise the contribution of Polish immigrants to the construction of that floodway from 1949 to 1951.

Mr Baumann interjected.

Mr LUCAS: The member raises an interesting point. My great-grandmother was the first woman of European extraction in Adavale and my father was born in Charleville, so my family has some historical relationship with the area.

It was a great honour and pleasure to be at this ceremony for two reasons. The ceremony commemorated not only the contribution of these postwar Polish migrants but also the great warmth, friendliness and support that they were given by the people of Adavale and Quilpie at the time.

These 12 Polish migrants came to this country at the end of the Second World War. Poland suffered first with the Nazis going through the country and then with the communists. I imagine that Poland was not a very nice place to experience at that time in modern history. These people had had a terrible time in their own country and were looking for a new life, and they chose Australia. Initially these immigrants were sent to Sydney and then from Brisbane to Quilpie. They lived in tents for about a year outside Adavale while they were working on this floodway at Blackwater Creek. One can imagine how hot it would have been there and they would have had very little in the way of modern equipment. They worked and worked. Just as important is the support that they received from the local community.

Migrants have played a great part in developing our country. It is instructive to look at some statistics. Between 1947 and 1961, 73% of the increase in our labour force was as a result of migrant workers. In the last 50 years, our increase in population as a result of migration has been 5.7 million. This is the contribution that these people have made to this country. Without their contribution the country would be fundamentally different and fundamentally worse off. We owe a great debt to these migrants. These people also recognise the debt that they owe to the Australian society of the time for welcoming them. I seek leave to have the names of these 12 Polish migrants incorporated in Hansard.

Leave granted.

Andy Demowicz; Jo Baginski; Tonie Biaty; Richard Bogdanski; Stan Bralinski; Ted Dunin; Carl Gros; Jan Jarzembski; John Maciejewski; Ted Mularczyk; Stan Slszypa; Happy Sleg

Mr LUCAS: Of course, many years have passed since 1949, when this floodway was constructed. These men have gone on to be proud Polish Australians with families. Not only have their fathers contributed; the families themselves are now contributing and are upstanding members of society.

Unfortunately, only five of these Polish workers are still alive—Andy Demowicz, Tonie Biaty, Jan Jarzembski, Jo Baginski and Carl Gros. Andy spoke at the ceremony and told of the warm welcome that they received after the war and how they were taught language in the local community at Adavale. Incidentally, all three of the Polish Australians at the ceremony had married women of Australian birth. Not only did they find work; they found love and happiness in the local community.

Tonie Biaty gave a particularly touching speech at the ceremony. He mentioned that prior coming to Australia immediately after the war he was working in a salt mine 12 hours a day. He was not given the freedom to practice his religion; he was not in a country of peace. He loved Australia for the opportunities that it gave him to enjoy basic fundamental freedoms and to be given a fair go. These are the model Australians that comprise 99.99% of migrants to this country. This is why we owe them a debt of gratitude.

I thank the previous member for Transport and Main Roads, Vaughan Johnson, and the present Minister, Steve Bredhauer, for being keen proponents of this commemorative

ceremony. It was suggested some time ago by Andy Demowicz, who, incidentally, is a constituent of mine, and Governments of both political persuasions took the idea up with great gusto. I also thank the Roma office of the Main Roads Department, in particular Doug Head. Most of all, I thank the people of Adavale and Quilpie and those Polish Australians who came out to this country 50 years ago, who have worked together and shown what we can do. There is much more in this country that unites us than divides us.

Anzac Day

Mrs LIZ CUNNINGHAM (Gladstone—IND) (11.20 p.m.): I rise to pay tribute to our returned servicemen and women.

Mr Veivers: Hear, hear!

Mrs LIZ CUNNINGHAM: I thank the member for Southport. Anzac Day 1999, I believe, continued the trend of increased interest by our community in commemorating this important occasion. Attendance at dawn services at Boyne Island and Gladstone in my electorate was significantly greater. The 9.30 a.m. service at Boyne was similarly larger, as was the 11 a.m. service in Gladstone. After the unacceptable events of 1998 and before, and in spite of the failure of this House to assist to date in a permanent solution to the problem of inebriated hecklers, the two clubs in proximity to the Gladstone RSL voluntarily closed several hours earlier, thus ensuring a problem-free day for diggers. I thank those clubs. I have heard that Anzac Day across Queensland was not problem free but there was a significant improvement on those of previous years.

Again, we recognised each person who has contributed to our freedom and peace. To those who died in war or as a result of war, and to all returned servicemen and women of all services, we said "thank you". We trust that they can continue to see the gratitude of young and old demonstrated by our attendance at Anzac Day services and that the due reverence for the day will continue unimpeded. However, special thanks must go to a number of people.

Right across Queensland we have parade marshals who, year after year, ensure that the parades run smoothly and without any undue complications. In my electorate and, I am sure, in other electorates, bands participate with great feeling and great emotion. The Gladstone Municipal Band and the Gladstone Pipe Band travel not only within the Gladstone electorate but also out to Boyne, Tannum and Calliope to participate in the memorial services. We have a group of young reservists who act as cenotaph guards. I commend them for their control and their input into the day's ceremony. They act with great dignity and great reserve.

I thank also the diggers. On the day, a number of diggers suffered from heat exhaustion. A couple were taken to the hospital in our area because of the heat. I thank them because, in spite of the weather conditions, they stood with great dignity and with great reverence throughout the services, which can extend for quite some time. I thank the local councils which contribute to the ceremonies by maintaining cenotaphs and memorials and by ensuring that park areas are available to the community to congregate in and to be able to properly remember this day.

I also express gratitude to the community. As I said, the communities at Boyne, Tannum and, I believe, Calliope—I was not there—and in Gladstone increased their attendance numbers. In part, that could be attributed to the extra publicity that surrounded Anzac Day. But the history of Anzac Day ceremonies over the last few years shows that the number of people turning up is continuing to increase. I believe that bodes well for the future and indicates the solemnity with which the community regards that day.

I thank the schools for their participation. Both the high schools and the primary schools contributed to the occasion. Many of the schools in my electorate and, I am sure, in other electorates held memorial services on the Friday prior to Anzac Day. They did that with great control. Mainly the students took control of the program. They did that with reverence, respect and dignity—more than I can attribute to some members in this Chamber. I thank also the primary school students who turned up on Anzac Day. They sat through a ceremony—in some instances for two hours—and they also were exemplary in their behaviour.

I believe that the increased attendance numbers on Anzac Day are an encouragement to those diggers who have returned. Only three remain from World War I, but there is still a large number remaining from World War II, Korea, Borneo, Malaya and Vietnam. The increased numbers of people attending those ceremonies must give heart to those returned diggers to know that we, as a community, value their sacrifice and what they have done; that we value the fact that they cope with quite incredible memories day to day—memories that we cannot even begin to understand. It is important that they

understand that we appreciate all that they have done to ensure our freedom and to allow us to express ourselves so openly.

Milpera State High School

Mr NUTTALL (Sandgate—ALP) (11.24 p.m.): Often it seems to me that not enough credit is given to those unsung teachers and educational administrators who give of their own time, week in and week out, for their students and their school community. This evening I wish to highlight one of those. I would like to give thanks to a school community that has worked with very special students at the Milpera State High School at Chelmer in Brisbane. As many members would know, the Premier has given me special responsibility for multicultural affairs across Queensland. The Milpera State High School exemplifies what is good about multiculturalism.

What is Milpera? Milpera is a State high school which provides English language and other services to prepare newly arrived migrant students for participation in high schools around the Brisbane area. The students at Milpera are speakers of languages other than English when they arrive in Australia. They bring with them a rich diversity of languages and cultures. While a number of the students at Milpera are here on a temporary or student visa, others will, in the long term, contribute much to the prosperity of this State.

Students stay at Milpera for approximately six months before they move to high schools with English as a second language units. These high schools include the Yeronga State High School, the Mount Gravatt State High School, the Sunnybank State High School and the Oxley State High School. For ESL students entering the State system in Years 8 to 12, there is ongoing demand for support programs. Not only do these students need to learn another language, that is, English, but they need to complete Senior schooling in this language. It appears to me that they do not have the time, that is, five to seven years, to possibly reach academic competency at a comparable level, nor the quite high proficiency in the academic language development that is required. I see it as imperative that the Commonwealth recognises the dilemma faced by Queensland, and the Milpera school in particular, to meet the unmet and unfunded needs of ESL students.

The Honourable Phil Ruddock, MP, Federal Minister for Immigration and Multicultural Affairs, indicated to me in April of this year that his Department of Immigration and Multicultural Affairs is responsible for administration, eligibility and funding for the Adult Migrant English Program and that the Commonwealth Department of Education, Training and Youth Affairs has responsibility for the administration, eligibility and funding of ESL programs. The Federal Minister for Immigration and Multicultural Affairs has also indicated to me that DETYA, with input from Education Queensland, is currently reviewing the provision of support for newly arrived students, including those at Milpera. I hope that Education Queensland drives a very hard bargain with the Commonwealth.

I share the concerns of those members of the Milpera school who have family and friends in and around Kosovo. I think that we all feel for people in Kosovo, East Timor and other trouble spots where innocent people face increasing danger in areas of war and conflict. I hope that local agencies are in touch with places like Milpera and lend support where needed.

Milpera does very well where it advocates for and acts in the best interests of its students and their families; provides the best services it can through appropriate and relevant curriculum offerings and settlement services; and accepts personal accountability within its whole school approach. What I like about Milpera is that it seeks to maximise the potential of every student within a socially just and culturally inclusive environment. Moreover, Milpera seeks to continually monitor, through regular assessment, and to progress students at their own pace. Milpera exits about 300 students per year to high schools, to high schools with ESL units and to TAFE English language centres. After these exit destinations, former Milpera students can move on to Adult Migrant English Programs, Advanced Migrant English Programs, Job Preparation & Support, TAFE Initiative Courses and English as a Second Language. Students at Milpera come from the former Yugoslavia, Taiwan, China, Vietnam, the Middle East, Western Samoa, Indonesia and many other countries.

Madam Deputy Speaker, there is only a small portion of my speech left, and I seek to have the remainder of it incorporated in Hansard.

Leave granted.

> Milpera is a school with a fluctuating enrolment of between 120 and 170 students at any one time. The enrolment patterns have remained fairly constant over the past few years with respect to numbers and categories of migration although the multicultural composition of the intakes varies with global situations of a political and/or economic nature.

There is an emerging trend towards more students not funded under the Commonwealth ESL guidelines. In 1998 the numbers of funded New Arrival students is up on previous years for the same funding period.

The visa categories of migration as at 20 March 1998 (for Milpera) are:

Family Reunion 33%

Refugee/Special Humanitarian and Women at Risk 27%

Permanent Business 22%

Temporary 16%

Other 2%

Key learning areas of English, Mathematics, Science, Health and Physical Education and the environment are taught at Milpera. The teaching staff is mostly from a secondary specialist teaching background with additional qualifications in teaching English as a Second Language but there are 2 primary trained teachers.

Milpera is unique in its role as a provider of quality settlement services, which enhance the effectiveness of its educational services.

While Milpera employs a number of bilingual staff who support students bilingually in the class room and provide for school interpreting and translating (e.g. reports, permission letters and all manner of school communications), it's the Commonwealth that has the primary responsibility for the provision of translating and interpreting services as provided by the Federal Department of Immigration and Ethnic Affairs (DIMA) to support the schools, on site face to face and group interpreting. This enables Milpera to keep parents/families and the wider multicultural community informed.

One of the great strengths of Milpera has to be Ms Adele Rice. As Principal, Ms Rice unashamedly champions her students. I see Milpera as what the Multicultural Queensland Policy is all about. The policy is about our culturally diverse society here in Queensland. Multiculturalism is about the continuing development of one cohesive, harmonious society from this diversity.

Can I say to all in this House that I hold up Milpera as a special place of welcome for ESL students and a place that we can all learn about humility, love and compassion.

In conclusion, I hope that Milpera receives the support of all of us in the community, now and in the future.

Motion agreed to.

The House adjourned at 11.29 p.m.