THURSDAY, 9 DECEMBER 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—

Sanctuary Cove Signage, Pacific Highway

From **Mr Baumann** (118 petitioners) requesting the House to authorise the instruction of directional and advisory signage to Sanctuary Cove from north and south bound traffic on the Pacific Highway.

Port of Townsville, Road Access

From **Mr Reynolds** (306 petitioners) requesting the House to rule out options which include Perkins Street as primary road access to the Port of Townsville as identified in the Townsville Port Access Impact Assessment Study Stage 3A.

Petitions received.

PAPERS

MINISTERIAL PAPERS

The following papers were tabled—

Minister for Transport and Minister for Main Roads (Mr Bredhauer)—

Annual Reports for 1998-99 and Statements of Corporate Intent—

Queensland Rail

Ports Corporation of Queensland

Port of Brisbane Corporation

Bundaberg Port Authority

Cairns Port Authority

Gladstone Port Authority

Mackay Port Authority

Rockhampton Port Authority

Townsville Port Authority

Document outlining additional information in support of the annual reports for the following Government Owned Corporations—

Ports Corporation of Queensland

Port of Brisbane Corporation

Bundaberg Port Authority

Cairns Port Authority

Gladstone Port Authority

Mackay Port Authority

Rockhampton Port Authority

Townsville Port Authority

Written statement in accordance with s 46KB of the Financial Administration and Audit Act 1977

Late Tabling Statement—Annual Reports and Statements of Corporate Intent—

Queensland Rail

Ports Corporation of Queensland

Port of Brisbane Corporation

Bundaberg Port Authority

Cairns Port Authority

Gladstone Port Authority

Mackay Port Authority

Rockhampton Port Authority

Townsville Port Authority.

MINISTERIAL STATEMENT

International Year of Older Persons

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.33 a.m.), by leave: Later today I will be lunching with a group of very special Queenslanders. They are members of the 100 plus Club. Mr Speaker, this is one of the most exclusive clubs in the State, because you need to be over the age of 100 to get in. There will be 18 members at today's annual Christmas lunch here at Parliament House, including that great World War I veteran Ted Smout. I will be hosting the lunch, of course. I had the pleasure of being with them all for Christmas lunch last year—and what a terrific group of Queensland seniors they are. As I understand it, Ted Smout lives at Sandgate. He catches the train in every year and walks down to Parliament House. He is 105 years of age. That is not a bad achievement.

This lunch is just a small tribute from my Government to these great Queenslanders as we continue to celebrate the International Year of Older Persons. This has been an extraordinary year of community involvement in Queensland. And it says much about Queensland's community spirit that our State has made the best response of all the States to the International Year of Older Persons.

Next Wednesday at the International Year of Older Persons Conclusion Lunch here at Parliament House, the Minister for Families, Youth and Community Care, Anna Bligh, and I will honour more than 50 local groups which organised hundreds of International Year of Older Persons projects around the State. My Government committed more than $800,000 for these projects which ranged from a grey mardi gras and belated debutante balls, to Internet training and information expos. The

projects were important in increasing awareness of ageing issues throughout the Queensland community.

This State is leading the way in changing community attitudes towards ageing through—

the media resource "Don't Call Me Granny!", developed by the Office of Ageing in the Department of Families, and adopted across Australia;

a documentary coproduction with ABC TV called "A Matter of Attitude: Confronting the Fear of Frailty"—this also came out of the Office of Ageing;

Australia's first National Seniors Tourism Guide, developed by the Seniors Card Office in the Department of Families;

my Government, through the Families Department, also developed the intergenerational "Respect" advertising campaign, and a web site for Queensland school students.

We have also recognised the contribution older Queenslanders make to this State by initiating a series of benefits, including the Senior Shopper Service and the Seniors Enquiry Line. We have also introduced—

free ambulance for Queensland pensioners and Seniors Card holders—an initiative that has been very well supported by all Queenslanders;

motor vehicle concessions for Seniors Card holders;

more regional 60 and Better programs.

Though the international year may be drawing to a close, I am also about to launch my Government's future blueprint on ageing issues. Next week at the conclusion lunch, I and Minister Anna Bligh will be launching the Queensland Government's framework on ageing 2000—2004. It is called Our Shared Future. The framework will help us work towards a fair society where all older people are valued members of their community.

The international year has been about improving community attitudes towards older people and growing older. It has also been about highlighting the contributions older people make to our community. I want to take this opportunity to thank the hundreds of dedicated older Queenslanders who gave their time to make the international year such a success. On behalf of the Government and the people of this State, I thank all our seniors for their enormous contribution to our community, not only during the International Year of Older Persons, but every year.

MINISTERIAL STATEMENT

Environment

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.37 a.m.), by leave: Honourable members would be aware that my Government has, in recent months in particular, introduced a number of initiatives that were aimed at protecting our State's unique biodiversity. They will achieve that aim. There was the South-East Queensland Regional Forest Agreement, which not only protected our native forests in the short-term but also protected them forever. And this initiative also protected the jobs of timberworkers and gave a shot in the arm for many timber towns in the region. They were given security and certainty they had never had before. Next, we announced initiatives to protect the Great Barrier Reef and give long-term security to trawl fishers.

The most recent initiative came yesterday with vegetation clearing guidelines to protect our unique biodiversity and give long-term security to farmers and future generations of farmers. The response from the Federal Government—in particular the Minister for the Environment, Senator Robert Hill—has been disappointing to say the least. It has been disappointing to date. Let us hope it gets better.

Senator Hill seeks to portray himself as the champion of the environment. Well, I now seriously doubt that Senator Hill is interested in anything but short-term political gains. On the forest agreement, Senator Hill has been missing in action despite the fact that it delivers two environmental gains in the battle against greenhouse gases. First, the agreement means that logging will stop in those native forests. Yet Senator Hill still refuses to support our agreement. On the reef protection measures, Senator Hill prefers to puff out his chest and table thump—again, no support from the Minister. And, third, the vegetation clearing guidelines: Senator Hill has turned his back on Queensland farmers by refusing to provide any Commonwealth funding for the State's initiatives.

Let me say this very clearly so that the Federal Minister knows exactly what I think. Senator Hill has shown his true colours—and they are not green; they are yellow or maybe brown. It is about time we had support from the senator. For a Federal Minister who professes to want to protect the environment, Senator Hill's decision to turn his back on an initiative that achieves that aim is surprising and disappointing. I can only wonder what role

has been played by the Queensland Nationals and Liberals.

I can only wonder what role has been played by the Queensland Nationals and Liberals, who have consistently and publicly opposed environmental initiatives such as the South-East Queensland Regional Forest Agreement, the trawl fishing plans, and now the guidelines to deliver sustainable farming through controlled vegetation clearing.

Senator Hill's backdown to the Queensland Nationals and Liberals on these issues is appalling but, more importantly, it puts the State's unique biodiversity at serious risk. It does not help the farmers. In this State, we have become used to seeing the Queensland Liberals kowtow to the Queensland National Party on just about everything, but now the malaise has spread to Canberra. We have Federal Liberal Ministers running scared of the big bad Nats. What a pathetic sight! The Prime Minister needs the Nats, and he knows it!

I can find no other way to explain Senator Hill's claims that Queensland is not entitled to funding for compensation payments to farmers who would be affected by the vegetation clearing guidelines. When the Australian Democrats agreed on the GST, the price paid to them by the Federal Government was a massive boost to environment funding for projects exactly like this. In round terms, the pool was boosted to $600m. Queensland's share is roughly $100m.

If Senator Hill is serious about protecting and preserving our delicate and unique biodiversity, he will get down from his political high horse and join me, the Government, the farmers and the conservationists at the negotiating table. The other option is to stay under the thumb of the Queensland Nationals and Liberals, whose only motivation in these issues is political one-upmanship on One Nation—nothing more. Members opposite are trying to protect their political hides by attempting to block initiatives that a Labor Government has delivered—initiatives that they have failed to deliver and initiatives that will protect the land, ensure land management and protect the environment.

Let me move on to the issue of protecting the Great Barrier Reef and Senator Hill's position on this important issue. On 15 November, Cabinet endorsed a fisheries management plan for Queensland's east coast trawl fishery. This plan was the result of many years of negotiations up and down the Queensland coast and was aimed at ensuring that the industry was placed on a long-term viable future. As I reported to the House at the time, not all aspects of the original plan were included in that decision. There were very good reasons for that.

If these aspects had been included, there was the very real possibility that small family-operated trawling operations would suffer and be at risk of folding. This Government could not condone this unnecessary collapse of legitimate trawling operations without a thorough investigation of all viable options.

After my Ministers and I met with the stakeholders, we set in place a working group involving all stakeholders to examine those issues that were not included in the approved plan. That working group will meet for the first time today. The issues are—

> the availability of by-catch reduction and turtle-exclusion devices;
>
> the need for these devices in deep water king prawn fisheries and the Bundaberg coastal scallop fishery;
>
> the necessary reductions in catch-effort and the appropriate time frame for the introduction of these reductions;
>
> species that should be targeted by this fishery and those that should remain as by-catch;
>
> the need for associated socioeconomic impact studies;
>
> and what closures should occur in areas that have not been trawled, or trawled for less than 20 days per year in recent years.

I made this issue a high priority, allocating senior officers of my department to oversee the working group and report back by 1 March 2000. Zonal closures for north Queensland were set in place, with the first of these commencing on the 15th of this month—six days away. This outcome was fair and reasonable under the circumstances.

Imagine my surprise to read in yesterday's Courier-Mail that the Great Barrier Reef Marine Park Authority—a key stakeholder with strong links to the Federal Government—had pulled out of the first working group meeting set down for this morning. I was even more dismayed by Federal Environment Minister Robert Hill's comments. Senator Hill said that the authority had completed its consultations with the State Government long ago and a decision was long overdue. Once again I felt that, for inexplicable reasons, Senator Hill intended to leave legitimate trawl operators in the lurch. However, I am pleased to inform honourable members that late yesterday afternoon I was

advised that a senior representative of the Great Barrier Reef Marine Park Authority would attend this morning's meeting and represent the Federal Government's position on this issue. I am delighted with this outcome.

I urge Senator Hill and authority representatives to participate in a spirit of goodwill and cooperation within the working group in a genuine attempt to resolve the issues of sustainability within this industry in a way which will have the least impact on operators. By doing so, Senator Hill's deadline of 1 January 2001 for the start-up of his catch-effort reduction plan can be comfortably met.

Let me assure honourable members of this Government's commitment to sustainability within our fisheries. I know Senator Hill has objectives here. I believe that we can have a sensible outcome with some reasonable negotiations. I look forward to reporting further to the House on this issue.

I also look forward to reporting further to this House on the intrusion by the Federal Minister, Warren Truss, who has attempted to undermine payments to Queensland farmers. I put the National Party on notice: the National Party's attempts to prevent compensation being paid to Queensland farmers is not only anti-bush, it is anti-Queensland and anti-farmer. I reiterate to the House that I will stand side by side with the farmers and we will fight for real compensation for Queensland farmers while Warren Truss and the National Party attempt to prevent Queensland farmers from being properly compensated.

MINISTERIAL STATEMENT

Queensland Pork Industry Development

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.46 a.m.), by leave: Queensland's pork meat industry is at a crossroads, with changes in both the international and domestic market places impacting strongly on the Queensland industry. The Queensland pork industry has traditionally been domestically focused. However, in the past few years Malaysia and Taiwan have stopped exporting pork, while the pork industry in India is also undergoing problems. This presents a window of opportunity for the Queensland industry—one which we are determined to climb through.

Queensland has comparative advantages in relation to proximity to Asian markets, a reputation for clean food, a clean environment, good climate, and sufficient land and water. Of particular importance is the high health status of the Australian pig herd, which is regarded as the best in the world as a result of our isolation and quarantine arrangements.

There have also been several recent developments which have established the Queensland pork industry as a serious player in world markets. These include the establishment of the Danpork operations at Pratten near Warwick, which will directly create 400 new jobs and indirectly create 500 more jobs; the expansion of the Darling Downs Bacon processing plant at Toowoomba, which will create 70 new direct jobs and save the jobs of the 675 existing workers employed by Darling Downs Bacon on the Darling Downs; and the foreshadowed expansion of Swickers at Kingaroy.

The industry requires a number of changes but predominantly it needs new investment at both the producer and processor levels and this has started. On the processing side, Darling Downs Bacon, Swickers and Danpork are leading the way. However, stronger links need to be forged within the supply chain before the industry as a whole can take advantage of the available opportunities. The various parts of the supply chain need to cooperate and work closely together to ensure that the whole industry can grow and prosper.

The supply of pigs must grow to meet the predicted demand, current high quality must be maintained and improved to meet market demands and alliances formed between Queensland businesses and importers in overseas countries. In order to create jobs and boost the economy of regional Queensland, this Government is developing strategies to be immediately progressed in partnership with the pig processing industry at both producer and processor level. These will stimulate industry growth, boost inter-sector cooperation, contribute to a reliable, quality product and consolidate long-term sustainable export arrangements.

Consequently, this Government is taking several steps to help develop the pork industry. Firstly, we will be establishing a pork industry working group with the food and meat task force with officers from the Department of State Development and the Department of Primary Industries. This group will work closely with the Pig Industry Development Council in the Department of Primary Industries.

We shall also undertake a comprehensive assessment of the regulatory regime to ensure sustainability of the developed industry with regard to the environment, animal health and food safety. The Government will also broaden

the scope of the Queensland Meat Processing Development Initiative to assist the development of effective and successful supply chains including the pig producer, the pork processor, the value adder and the marketer. We shall also undertake and support export market development including international market research, and commence targeted investment attraction activities aimed at international companies with a significant profile in world pork production and trade.

I said at the outset that the pork industry in Queensland stands at the crossroads. If we adopt the do-nothing approach—that which the National Party favoured when in Government—the industry will whither domestically in the face of cheap imports. But if we adopt the positive approach—the approach that the Minister for Primary Industries and I are adopting—of seeing what can be done to expand the industry, the result will be a growth in exports, and more importantly, growth and jobs, jobs, jobs in regional Queensland.

MINISTERIAL STATEMENT

Sewage Disposal

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (9.50 a.m.), by leave: Yesterday the member for Ipswich West alleged raw sewage had been dumped into open-cut unused mines and asked whether I had signed off on this deal. I undertook to seek further information and inform the member I have had my department investigate this matter and it has advised as follows.

The allegation that raw sewage is being dumped is inaccurate and has no relationship to Pacific Waste Management. Pacific Waste Management is the solid waste disposal contractor for Brisbane City Council. One of Pacific Waste Management's responsibilities is four refuse transfer stations and the Rochedale "super dump". Pacific Waste Management's contract expires in 2005, and it has the option to assign activities to other firms subject to conditions applied by Brisbane City Council.

Within the last few weeks, Pacific Waste Management—with the support of Brisbane City Council—assigned its Rochedale operation to Thiess. Thiess enjoys transport economies by using Rochedale and its Swanbank facility for solid waste, and Brisbane City Council has achieved savings through the arrangement. Thiess treats sewage to the standard of dewatered sludge, which is then transported to Swanbank for composting. This function is an environmentally relevant activity and therefore operates under a licence administered by the Environmental Protection Agency.

Recently, an odour problem arose at the Swanbank facility. The contractor has worked with Ipswich City Council and the Environmental Protection Agency to remedy the matter. On Monday, 6 December, the site was given a clean bill of health by the Environmental Protection Agency. None of the arrangements which I have described require my approval or consent in my capacity as Minister for Local Government.

MINISTERIAL STATEMENT

Building and Construction Industry Safety Task Force

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (9.52 a.m.), by leave: The building and construction industry is a major industry in Queensland in terms of both employment and its contribution to the economy of the State. Unfortunately, it also contributes a large percentage of the workplace health and safety incidents reported to the Division of Workplace Health and Safety and Workcover each year. It is one of the most dangerous industries in which to work. That is why the Division of Workplace Health and Safety, after close consultation with industry organisations, chose the residential construction industry and the mobile crane industry as the subjects of its initial safety blitzes carried out this year.

Honourable members will recall that earlier this year I announced the division's new policy initiative—the Queensland Workplace Health and Safety Enforcement Framework—which details new enforcement, investigation and prosecution policies. The framework is the strategy used by the Division of Workplace Health and Safety to give effect to its legislation and to identify special hazards to workers.

In the past, workplace health and safety inspectors concentrated on encouraging voluntary compliance with workplace health and safety standards. The Enforcement Framework tips the balance towards a more robust regime to ensure health and safety standards reach a higher compliance level. The program aims to lower the unacceptable

toll in workplace injuries and deaths in Queensland. It has been warmly embraced by the business community, with representatives of nearly 7,000 large, medium and small businesses attending information seminars held throughout Queensland in the last two months. Due to the overwhelming response, further information seminars will be held in the new year.

The aim of these policy initiatives is to reduce our workplace toll. In 1998-99 WorkCover recorded 93 fatalities and 73,000 compensated injury claims. These stark statistics underline the need for our new policy direction and the need to pursue a more vigorous enforcement policy. Both trade unions and employer organisations strongly support taking a more proactive stand on these important safety issues.

We know and recognise that there is enormous pressure on employers and workers in the building and construction industry. There is constant pressure to reduce costs and meet strict contract time schedules in an exposed work environment with both physical and natural hazards. In this environment there are claims that contractors cut corners in minimising costs and safety efforts. There are also claims that they often fail to comply with safety standards. This was particularly evident in the residential construction blitz.

Workplace Health and Safety inspectors concentrated on the critical issue of falls from heights. They found many dangerous sites where edge protection was not provided for workers' safety. The assessment of workplace health and safety compliance in the building and construction industry is complicated by the inadequacy of statistical information. In an industry with thousands of self-employed workers, many incidents and injuries are not reported. Consequently, data provides industry and Government with only a minimum indication of the problem.

Therefore, I wish to inform the House of a new initiative to further improve workplace health and safety in Queensland. I announce today the formation of an industry task force that will inquire into and recommend strategies to improve workplace health and safety compliance in the building and construction industry. Therefore, the task force will not only consider strategies to improve compliance and workplace health and safety measures but will also look for ways to collect accurate data. The terms of reference for the task force are—

Consider strategies to improve compliance with workplace health and safety legislation in the building and construction industry.

Develop a package of measures to improve workplace health and safety in the industry.

Consider options for the collection of accurate data on health and safety in the building and construction industry.

The task force will report back to the Government by the end of April 2000. Its membership will be drawn from employers and trade unions and senior officers of the Department of Employment, Training and Industrial Relations and WorkCover. This is a great opportunity for the industry to improve its workplace health and safety record in partnership with our Government.

MINISTERIAL STATEMENT

Stanwell/Curragh Coal Supply Agreement

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (9.56 a.m.), by leave: I am pleased to inform the House that a long-running dispute related to the supply of coal from the Curragh mine to Queensland electricity generators has been resolved through successful negotiation.

For some years a dispute between the Curragh mine co-venture and Stanwell Corporation Limited has been causing concern for everybody involved. The job security of workers at the mine has been in doubt due to the uncertainty surrounding the contract. That has now been resolved and a new coal supply agreement has been put in place. This new agreement will secure a positive future for both the Curragh mine and the Stanwell Power Station. It is a win-win situation for the parties involved and for Queensland. It means security of jobs for mine workers and security of coal supply for the power station.

Other positives have also emerged from the successful negotiations. The State will continue to receive royalties from the mine operation and it will also secure the rail network for the area. The agreement promises a continued strong export base for coking coal, improved competitiveness of coal supply from Curragh, and it provides a framework for additional coal reserves which could lead to a longer mine life. I am told it could also see Stanwell Corporation and Curragh working collaboratively on other future reserves of coal. The new arrangement will take effect from 1 January 2000, and it is good news for everybody concerned.

MINISTERIAL STATEMENT

Flood Danger, South-east Queensland

Hon. M. ROSE (Currumbin—ALP) (Minister for Emergency Services) (9.57 a.m.), by leave: This summer Queensland's south-east corner is again likely to be hit by severe flooding. Bureau of Meteorology Queensland Regional Director Rex Falls says there is a high likelihood of wetter than normal conditions. Honourable members will recall the widespread flooding across the south-east and other parts of the State last spring and summer. The weather patterns were said to be similar to those which led to the devastating 1974 floods. They brought storms and flooding late last year and early this year across an area stretching from the Gold Coast to the south-west, through the Brisbane Valley, Sunshine Coast, north coast and central, northern, far northern and far-north western areas of Queensland.

Cyclone Rona, storms and subsequent flooding left a damages bill running into hundreds of millions of dollars. We could be in for a repeat this summer. We have already seen our first cyclone watch of the season off far-north Queensland. Mr Falls warns we can expect serious flooding. He also warns of above average cyclonic activity along the Queensland coast and in the Gulf of Carpentaria. We cannot influence weather patterns which will dump heavy rain on those areas already saturated during an unseasonably wet winter. But we can heed the warnings of the experts and learn from our past experiences. Preparation is the key to minimising cyclone, flood and storm damage. Information can be obtained from local councils and State Emergency Service units.

There are action tips for cyclones and severe storms—and we have experienced this destructive force in recent weeks—tips for preparing for floods, tips for during and after floods and tips on how to cope with storm surges which accompany cyclones. Tips range from trimming trees and branches around homes, clearing guttering and downpipes and checking roofs at the beginning of the storm season, to evacuation in the event of a severe incident. People who live in areas most susceptible to cyclones and floods should not be complacent. They should prepare an emergency kit containing a portable radio, torch and spare batteries, stocks of fresh water and canned food, matches and a fuel lamp, portable stove and cooking gear, utensils and waterproof bags, a first-aid kit and masking tape for windows. And they should keep a list of emergency telephone numbers on display.

Cyclones, storms and floods can be deadly adversaries, as we witnessed so tragically last summer, with several deaths in the south-east. We cannot afford to take risks with fast-flowing water. It can easily sweep away vehicles from causeways and people who tempt fate by crossing swollen creeks and waterways. People should remember the 1998-99 death toll. Parents should warn their children of the dangers of playing in floodwaters. The clear message is: keep out of floodwaters. Do not take risks and do not be complacent. One death is one too many.

PERSONAL EXPLANATION

Comments by Deputy Premier

Mr SEENEY (Callide—NPA) (10 a.m.), by leave: Yesterday in this House during question time, the Deputy Premier made a slanderous attack on me claiming that I had no right to represent the interests of my constituents with regard to the South Burnett Meatworks. He claimed that I was a creditor of South Burnett Meatworks. That is simply wrong. I am not a creditor of South Burnett Meatworks. The Deputy Premier claimed that I had never declared to this House my interest in South Burnett Meatworks. He said—

> "It is a conflict of interest that the member has never declared to this House but he has a conflict of interest in that he is a creditor."

That is wrong. The Deputy Premier was wrong, and wrong again. Not only is my interest properly recorded in the pecuniary interests register, I informed this House of my interest in South Burnett Meatworks in a speech I made concerning the issue on 26 August 1999. The entire second paragraph of that speech in this House was devoted to explaining in some detail the interest that I had in that plant. For anyone who cared to listen, it is there on the parliamentary record for all to see. I told the House about my interest openly and up front at the beginning of my speech.

For the record, I hold 766 shares in the South Burnett Farmers Cooperative. The shares are non-tradeable, and they have never been tradeable. They have a fixed nominal value of $2. They represent something less than 0.01% of the on-paper capital value of Murgon Meatworks. That very small interest was declared in my pecuniary interest register and it was explained in detail in the second paragraph of the speech I made in this House.

The Deputy Premier also claimed that I was in breach of Standing Orders. I have

researched Standing Orders and I have sought advice from the Clerk of the Parliament. There is nothing I can find in Standing Orders that could possibly be construed as precluding me from representing the interests of my constituents in debate about Murgon Meatworks. I have declared my own personal interest, as I am required to do. In addition to that, I have discussed it openly in the House. Even the most basic research would have shown the falseness of the Deputy Premier's claims.

Normal process would require an apology from Mr Elder in the case of such blatant and demonstrable untruths. An apology from Mr Elder has no value to me, and I will not ask for nor expect one.

Mr SPEAKER: This is not a debate.

Mr SEENEY: I will simply say that I have acted with the utmost honesty and probity in this matter. I will continue to vigorously represent the interests of my constituents. I will not be distracted from that course by Mr Elder's blatant lies.

PRIVILEGE

Comments by Member for Callide

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (10.04 a.m.): I rise on a matter of privilege. The member has, from his own mouth, admitted his conflict of interest. He should never have undertaken any participation in those debates.

PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE

Report

Mr LUCAS (Lytton—ALP) (10.04 a.m.): I lay upon the table of the House the report of the Parliamentary Criminal Justice Committee entitled A Report on the Introduction of the Telecommunications Interception Power in Queensland—Balancing Investigative Powers With Safeguards. The report details the results of the committee's recent examination of telecommunications interception—phone tapping—and in particular the issue of whether or not the Criminal Justice Commission and other Queensland law enforcement agencies should be granted the power of telecommunications interception.

Telecommunications interception is a power available to Commonwealth law enforcement agencies and to agencies of all Australian States other than Queensland. The issue has been the subject of numerous recent reviews. Law enforcement agencies of this State have called for the power to carry out telecommunications interception. The Telecommunications (Interception) Queensland Bill 1998 was introduced into this House early in 1998. That Bill, if passed, would have allowed the various law enforcement agencies of Queensland to engage in telecommunications interception. However, the Bill lapsed upon the dissolution of the Legislative Assembly prior to the 1998 State election. For all these reasons, the present committee determined it was timely and appropriate to consider the issues involved and to report on the matter to the House.

As part of its examination of the issue, the committee held public hearings on 4 and 5 October and 8 November 1999. The committee heard from both proponents of extending the powers of telecommunications interception to Queensland agencies and parties opposed to this course. The committee has considered carefully all the submissions made to it both at the hearings and in writing, as well as a report on the issue by the second Parliamentary Criminal Justice Committee and a wealth of other documentary material. The full transcripts of the committee's public hearings are available on the committee's web site.

The committee found that the power of telecommunications interception has been of great value to law enforcement agencies elsewhere in Australia and would be invaluable to Queensland agencies in their fight against crime, including serious crime such as murder as well as official corruption and criminal paedophilia. However, the committee saw the central issue as being the effect of telecommunications interception upon the privacy of the individual. Civil liberties are precious. The committee therefore determined to take evidence regarding the actual extent of any infringements of civil liberties arising from the use of the interception power by agencies in other Australian jurisdictions.

The committee heard from the office of the Commonwealth Ombudsman and the office of the New South Wales Ombudsman, two of the agencies that have for some time had the role of overseeing and auditing the use of the telecommunications interception power in other Australian jurisdictions. The evidence from the representatives of the Commonwealth Ombudsman and New South Wales Ombudsman was taken by way of video conference. The committee believes that this is the first time that any parliamentary committee in Queensland has utilised such

technology to conduct public hearings. The committee commends this technology to the House.

The clear and uncontradicted evidence from the representatives of the Commonwealth and New South Wales ombudsmen was that there would appear to be no examples of any significant breaches of the relevant legislation nor abuse of the interception power by agencies under their jurisdiction. The committee is satisfied that the very understandable concerns regarding individual privacy which are raised by this issue can be and are being satisfied. The committee has recommended that the CJC, the Queensland Crime Commission and the Queensland Police Service be given the power to intercept telecommunications. The committee recommends that the Queensland Parliament enact appropriate legislation which accords with the template scheme established by the Commonwealth Act. The committee recommends that the public interest monitor, who at the moment carries out a similar role in relation to the use of listening devices by Queensland's law enforcement agencies, be given the role of overseeing and auditing the use of the telecommunications interception power by those agencies.

The committee has concluded that the oversight scheme established by the Commonwealth legislation, whilst working well, is not optimal. The committee recommends every consideration be given to the public interest monitor being granted, if possible, the power to examine and respond to a proposed application for an interception warrant before the application is brought before the issuing authority by the law enforcement agency. This scheme would enhance the safeguards for innocent third parties but is not provided for in the Commonwealth legislation. This is an issue which will require further investigation to determine whether such a scheme is within the power of the State. The committee believes that, should this proposal be attractive to the Minister, the Minister ought to consider taking expert legal opinion on this question. I commend the committee's report to the House.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report

Mr MICKEL (Logan—ALP) (10.09 a.m.): I lay upon the table of the House Report No. 38 of the Members' Ethics and Parliamentary Privileges Committee entitled Wording of Questions Relating to Children. I commend the report and the committee's recommendations to the House.

INFORMATION PRIVACY BILL

Mr PAFF (Ipswich West—ONP) (10.09 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to provide for the privacy of individuals in the Queensland public sector."

Motion agreed to.

First Reading

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

Second Reading

Mr PAFF (Ipswich West—ONP) (10.09 a.m.): I move—

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

This Bill seeks to introduce information privacy laws in the Queensland public sector. The purpose of this Bill is to provide information privacy principles with regard to the collection, storage, security, access, accuracy, amendment and disclosure of personal information acquired or held by public agencies. The inadequacy of Queensland's information privacy laws was demonstrated by the Legal, Constitutional and Administrative Review Committee Report on Privacy in Queensland, released in July 1998. A thorough review was conducted. The report states—

> "The committee concludes that Queensland's current law with respect to protecting individuals' privacy is inadequate and that there are valid privacy concerns which need to be addressed by legislative and/or administrative action.
>
> Therefore, the committee recommends that the Queensland government introduces measures to ensure the greater protection of individuals' privacy. In particular, the committee recommends that the privacy protection of personal information held by Queensland government departments and agencies is addressed as a matter of priority."

This has not yet occurred. The objectives of this Bill are achieved through legislative

requirements on Government agencies, regarding—

the collection of personal information,

the storage and security of personal information,

accessing personal information,

amending personal information,

checking the accuracy of personal information, and

limits on the use and disclosure of personal information.

A public agency is defined in the Bill as meaning a Government entity under the Public Service Act 1996, which covers departments, Public Service offices, agents, authorities, commissions, corporations established under State authorisation for a public purpose and other specified Government entities. Public agency incorporates local government and Government-owned corporations. This definition is comprehensive and covers the majority of Government departments, bodies and agencies.

The Bill makes exceptions to privacy principles for law enforcement purposes, the protection of public revenue and if non-compliance is otherwise permitted under another Act or law.

Limited privacy protection exists under common or statutory law in Australia. The Commonwealth's Privacy Act 1988 is the most comprehensive privacy legislation, although New South Wales introduced the Privacy Committee Act in 1975 that still functions today. The remaining States are in the process of developing privacy legislation or have introduced limited privacy laws.

The Commonwealth Privacy Act functions according to a number of information privacy principles (IPPs) that were drawn from a set of guidelines developed and issued by the Organisation for Economic Development, the OECD. These information privacy principles are comprehensive and effective. This Bill is modelled on the information privacy principles of the Commonwealth Privacy Act and relates to Government entities as defined in the Public Service Act.

I note here also that LCARC recommended in its review of privacy in Queensland that "the IPPs to be implemented in respect of personal information collected and held by Queensland government departments and agencies be modelled on those contained in s14 of the Privacy Act 1988 (Cth)." This Bill achieves that.

The committee also recommended that a Queensland Privacy Commissioner and committee be established to deal with information privacy details. We have chosen not to follow the recommendations in relation to the appointment of a commissioner and the establishment of a committee. We have chosen not to do so because we do not believe that it is necessary to create another costly Government bureaucracy in order to achieve the protection of personal information. This Bill is simple and straightforward legislation that does not need to be made complex and costly through the establishment of committees or boards. I seek leave to have the remainder of my speech incorporated in Hansard.

Leave granted.

Government departments and agencies currently follow some type of privacy policy or procedures that make the implementation of this legislation quite simple and extremely low cost. It also means that the implementation role of a committee and commissioner is not required. Another factor removing the need for a commissioner or committee is the non-requirement for enforcement of this Bill. The legislation contains no offence provisions, as it is self-regulatory.

Public awareness of the legislation and the inevitable ministerial embarrassment should a breach of the legislation occur will be sufficient to ensure compliance with the provisions of the Bill. Also, had offence provisions been included and acted upon, they would result in the State penalising the State. We excluded them based upon legal opinion.

There is no doubt that information privacy legislation is required in Queensland. It is most certainly necessary in the public sector and should eventually be introduced to cover the private sector also. Personal information should be carefully acquired, stored, used and disclosed in order to protect the rights and liberties of individuals.

It is clear from the recent uproar over the Packer/Acxiom database that information privacy is something that the public are concerned about. Kerry Packer's affiliation with the American 'data miner' Acxiom and the huge amount of detail that their database cross-references, stores and sells created widespread concern in Australia.

The Australian database is reported to be operational by the end of the year and will cross-reference information from shops, credit card companies, electoral rolls, house purchase records and other sources. It is also reported that this database will eventually allow potential marketers to target their ideal customer profile right down to the names and ages of children, what schools they attend, what books you read, whether or not you like gardening, your

household income, your gambling habits and the presence of household pets.

A Courier-Mail article of 1 November summed it up. It states—

'The ethical quandaries involved multiply the longer you consider all this.'

The Federal Government has found the public outcry sufficient to rush the development of some information privacy laws for the private sector that will be ready for introduction next year.

Although the Packer/Acxiom example belongs in the private sector the point is clear: the public do not want their personal information sold to third parties for profit, without their knowledge or without even knowing the database exists.

This Bill begins the information privacy process in Queensland by providing for information privacy in the public sector. Individuals deserve and expect Governments to protect them from commercial exploitation and to protect their rights and liberties. Information privacy is an important aspect of this protection and most certainly should be respected by Government agencies established for the service of the public.

One Nation's information privacy legislation is about the protection of the privacy of individuals. It is their right to have information about them collected in an appropriate manner, to know what information is collected, to have access to that information, to feel secure that it is stored safely and to know that it is not being used or disclosed for anything other than its original purpose of collection. This Bill achieves this. This Bill will give Queenslanders some piece of mind that their information is dealt with appropriately by all public agencies. I commend the Bill to the House.

Debate, on motion of Mr Foley, adjourned.

PUBLIC WORKS COMMITTEE

Backflow Prevention Programs

Resumed from 2 December (see p. 5803)

MR LINGARD (Beaudesert—NPA) (10.15 a.m.): This inquiry into backflow shows how a Government can abuse the committee system. It shows how a Government can try to use the committee system for political expediency. In this case, the Minister for Public Works referred a matter to a parliamentary committee in a deliberate attempt to have the committee return a report which vindicates what the Government has done.

Mr SCHWARTEN: Mr Speaker, I rise to a point of order. The comments made by the former Minister for rorting expenses in dining with Charlie Doyle are offensive and I ask that they be withdrawn. They are untrue and I ask that they be withdrawn.

Mr LINGARD: I withdraw, Mr Speaker. The terms of reference limited the inquiry to the effectiveness, adequacy and administration of programs of backflow, but clearly this inquiry was always a political football. In the Minister's opening address to the inquiry he stated—

"The adverse publicity has been created by statements made by members of the Opposition."

All the way through the inquiry it was obvious that there was a personal conflict between the Minister and people who represented companies involved in the backflow program. These people believed they had been removed from the backflow program. It was not the role of the inquiry to delve into this personal argument and it is noted that there will be a legal case over the matter.

However, the Government and, more importantly, the Parliament, have been left with two very embarrassing incidents involving this inquiry. In March of this year the Minister for Public Works made a statement to the Parliament about an altercation in the Strangers Bar on the night of 11 March. The inquiry heard that things said that night during the altercation probably—

Mr MUSGROVE: Mr Speaker, I rise to a point of order. The motion before the House bears absolutely no resemblance to aspersions in relation to alleged incidents in a bar in this place.

Mr SPEAKER: Order! That is not a point of order, but I am listening carefully. Does this have something to do with the motion?

Mr LINGARD: Yes, it relates to the dissenting report. There is no doubt that most of the people involved in the altercation were involved in the backflow program.

Mr MUSGROVE: Mr Speaker, I rise to a point of order. I would like a ruling on relevance. The motion before the House relates to the adoption of the report of the Public Works Committee. I cannot see any relevance whatsoever. I request a ruling on that matter.

Mr SPEAKER: Order! The member for Springwood, I have just adjudicated on that. The member should leave me to do the adjudicating.

Mr LINGARD: The inquiry then heard evidence which disagreed with the Minister's

statements to the Parliament. Clearly, someone has been dishonest to either the Parliament or the inquiry.

The second incident is much more serious. The very important aspect of the inquiry was the date the Minister was advised about an audit into a company involved in the backflow program. A motion to the Public Works Committee to ask for further consideration of this correspondence was defeated, and the non-Government members refer to this in the dissenting report. There is no doubt that these matters will come out in subsequent legal action about this matter.

Time expired.

Miss SIMPSON (Maroochydore—NPA) (10.19 a.m.): The quality of our drinking water is of paramount importance, but in hospitals where patients are already sick and vulnerable, it is critical. The Queensland Health Department has failed its duty of care to ensure the highest protection of drinking water quality in its hospitals. The Public Works Committee's inquiry into backflow water contamination issues in the public sector has resulted in a non-unanimous report, with Government members happy about the Government's performance on the issue and non-Government members unable to pursue matters, resulting in the dissenting report. We even had a Labor member last week giving fulsome praise to the Public Works Minister, which was very interesting.

Despite the report being split down party lines, and lacking an apparently fulsome investigation of the issue, the committee's report has still confirmed that the Health Department did not put in place a risk-based management process to speedily identify high risk sites, nor had it put in place an expeditious program of rectification. This was despite the backflow water contamination hazards being identified in a Government-commissioned report Protecting Your Drinking Water, handed to the Beattie Labor Government in August 1998, with recommendations for urgent action and with Statewide audits to be completed within six months followed by rectification works based on risk.

During the Public Works Committee hearings, the Health Minister, Wendy Edmond, revealed that she had not even read the Protecting Your Drinking Water report, despite publicity about its findings of potentially lethal water contamination hazards in several State health facilities. Since then, the Health Department has not provided any public evidence of a timely Statewide audit of its facilities to identify all high-risk sites, nor has it provided evidence that high-risk sites have had their problems rectified as a matter of priority. The majority committee report accepted the Health Department's assertions that backflow health risks in its facilities were low, despite an independent audit of just four sites showing that two of those four sites had high risks as classified under the Australian standards. I am astounded that the Health Department and this Labor Health Minister have such contempt for what the Australian standards classify as a high-risk backflow hazard. The Health Department pronouncing itself safe is a case of Caesar judging Caesar.

The Beattie Labor Government has shown the same contempt for the independent watchdog on Health Department standards, the Chief Health Officer. The Chief Health Officer's powers under 17 statutes were removed and handed to the Director-General of the Health Department, which is an organisational conflict of interest. I quote from some sections of the committee's report where there are conflicts in its own determinations. It states—

> "Queensland Health has advised the committee that it is now developing a new in-house risk management approach which will incorporate backflow prevention."

But on the same page of the report, it says—

> "The committee is unable to make further comments on the efficiency of other backflow works undertaken by Queensland Health."

On page 8, the report states—

> "The committee concludes that Queensland Health's asset management program is an effective means of managing backflow risks ..."

Time expired.

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS

South Burnett Meatworks

Mr SEENEY (Callide—NPA) (10.22 a.m.): In question time yesterday, the Deputy Premier continued to peddle his untruths concerning his assistance to the South Burnett Meatworks and the 600 jobs it provides in the town of Murgon. In answer to a question from the member for Barambah, the Deputy Premier said—

> "We have endeavoured to make sure that the community gets support by putting money into the care and maintenance program."

He went on to say—

> "We have put money into the plant to ensure that they do not lose that opportunity."

Those claims are in direct contradiction to an answer that the Deputy Premier gave to my question on notice No. 1549, which was answered on 25 November. I asked how much money the department had actually paid, to whom it had paid it and when the payments were made. The Deputy Premier's answer was short and very telling. He said—

> "No payments have been made by the Department of State Development ..."

That was a direct contradiction to his answer yesterday. One would have to wonder which answer is right. Did the Deputy Premier deliberately mislead the House yesterday, or did he deliberately mislead the House on 25 November? It has to be one or the other. It would appear to me that the Deputy Premier deliberately and blatantly misled the House yesterday. He provided wrong information to the member for Barambah in his—

Mr ELDER: I rise to a point of order. I find the remarks untrue and offensive and I ask that they be withdrawn.

Mr SPEAKER: Order! The member will withdraw.

Mr SEENEY: That is a joke, but I withdraw. The Deputy Premier provided an answer to a question on notice that proves beyond doubt that he was indulging in untruths yet again. He has sought continually in this House to create the impression that he has provided assistance to the South Burnett when, in effect, he has provided none. The evidence is there in the answer to my question on notice, and that answer has been confirmed by reports of the administrator of the South Burnett Co-op. The Deputy Premier has deliberately misled this House, and he has deliberately misled the people of South Burnett again and again.

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

Mr SEENEY: That, too, is a joke, but I withdraw. The Deputy Premier has been exposed as a fraud by his own words. He has been caught out yet again. He has been exposed as a fraud yet again.

Mr ELDER: I rise to a point of order. I find the remarks offensive and untrue and I ask that they be withdrawn. In Government, members opposite had the opportunity to help the South Burnett, and they walked away from a $6m—

Mr SPEAKER: Order! The member will withdraw.

Mr SEENEY: I withdraw, but I direct members to the parliamentary record. The evidence is there for all to see.

Time expired.

One Nation Party

Mr LUCAS (Lytton—ALP) (10.24 a.m.): At the June 1998 State election, there was a fundamental change in the composition of this Parliament. That ballot saw the election of some 11 One Nation members to the House. These One Nation candidates were elected on the back of National and Liberal Party preferences. Research shows that about two-thirds of One Nation support came from conservative voters, with the remaining one-third being former Labor voters.

Of the 10 One Nation and former One Nation members in this Parliament, six of them hold seats formerly held by Labor. They are Whitsunday, Hervey Bay, Caboolture, Maryborough, Ipswich West and Thuringowa. Further, those of us on this side of the House have had to put up with lecturing from the hypocrites over there about how they claim to better represent the working man and woman than we do. Since the Beattie Labor Government came to power, it has introduced legislation in important areas of great interest and benefit to Queensland workers—

Mr PAFF: I rise to a point of order. I take exception to being called a hypocrite. I ask that the member withdraw that statement.

Mr LUCAS: I withdraw. I table for the benefit of the House a table I have prepared of their voting performance from the State election until Monday, 7 December. And what do the figures tell us? The member for Burdekin tops the list, voting against the Government on a total of 230 out of 234 divisions, or 98.3% of the time. In fact, the parliamentary National Party voted more often with the ALP in divisions than that. The member for Hervey Bay received—

Mr KNUTH: I rise to a point of order. I am proud of it, too.

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

Mr LUCAS: And so are we! We do not want you associated with us, brother! The member for Hervey Bay received 8,584 primary votes—no doubt many of them former Labor voters—and has distinguished himself by voting against Labor in 210 out of 226 divisions, or 92.9% of the time. And the list

goes on: the members for Caboolture, 93.2%; Whitsunday, 94.4%; Maryborough, 92.2%; and Ipswich West, 93.7%. Even the member for Thuringowa could not reach double figures. He voted against the Government 90.3% of the time.

The fact is that the record clearly shows that a vote for One Nation is a vote for the National Party—whether it is in the Parliament, voting with the Liberals and Nationals 90% of the time, or at the last State election, where their sleazy One Nation preference deal ensured the election of the members for Charters Towers, Redlands, Albert and Keppel. In fact, the only difference between their being real Nationals and their being fake Nationals is that they will not come up with the money to buy a ticket.

State Government Advertising

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.26 a.m.): Again in the Parliament today, we have seen a continuation of the campaign by the Premier and his Government to widen the great divide between the city and the bush, as the member for Brisbane Central continues to try to justify his actions which will undermine the viability of thousands of Queensland farms and thousands of Queensland families. One thing is for sure: the actions of the member for Brisbane Central will mean that, in country Queensland, he will never be forgotten but, equally, he will never be forgiven.

The revolt is growing against this Government and its despicable, disgraceful Goebbels-like campaign in the media in terms of trying to paint farmers and people who live on the land as evil when it comes to issues of environmental management. Today, we see the Government again continuing to try to justify its position by way of taxpayer-funded advertisements that probably breach both the rulings of the Australian Broadcasting Authority and the draft guidelines handed down by the Auditor-General. The Auditor-General has previously stated—

Mr BEATTIE: I rise to a point of order. The honourable member is misleading the House. The television advertisements which are providing information have been approved by the appropriate authority, and the other ones do not breach the Auditor-General's guidelines.

Mr SPEAKER: Order!

Mr BORBIDGE: We will see how the Premier deals with the complaints. The Auditor-General has previously said, in terms of draft guidelines, that Government advertising should not relate to issues that have not been approved by the Parliament and that that Government advertising should be going to the people affected. I did not know that there were many farmers in Quilpie who bought the Courier-Mail and did not buy—

Time expired.

Mr S. Cowan

Mr PURCELL (Bulimba—ALP) (10.29 a.m.): Today I want to pay tribute to a hardworking and dedicated constituent and mate of mine, Shane Cowan. In 1980, Shane commenced employment with the newly formed Colmslie CYSS as a welding tutor. In 1989, the Colmslie CYSS amalgamated with the Stones Corner CYSS to become Skillshare Stones Corner. Its client base increased from 100 to 1,500. On 30 April 1998, Skillshare Stones Corner joined a consortium of four other Skillshares to become Career Employment Australia. Shane has worked continuously with all those groups, and today Shane is the group manager of Career Employment Australia. He works with 46 staff. This is certainly a far cry from his humble beginnings in a rented house in Burarri Street, Morningside.

Today Career Employment Australia covers an area from Caboolture to northern New South Wales. Over the past 19 years Shane and his dedicated staff have assisted thousands of young people with training, gaining employment and, in general, turning their lives around. Along with lacking the necessary skills to obtain employment, the majority of these young people also had multiple barriers to overcome.

Shane is one of the most caring and dedicated individuals I have had the pleasure to meet. He never loses his smile. His sincerity and general enthusiasm inspires both staff and clients to always strive for better results. This is reflected in the fact that Career Employment Australia has an average success rate of 79% for employment of their clients.

Many of the members of the Stones Corner Community Training Association also have a long history going back to the CYSS. John Shepley, the president, who was the original coordinator of the Colmslie CYSS; hardworking vice-president, Brian Daley; dedicated secretary, Barry Cosgrove; and the "never mislay a bean counter" and Treasurer, Sharon Luckus, all have been involved since 1980 and continue to voluntarily give their

assistance and guidance. Shane is very fortunate in the fact that he is not only ably supported by his dedicated staff and committee, but also by his family. Shane's wife and their daughters, Sharnay, Keohnie, Jaydon and Meeko, are his best friends and supporters.

Time expired.

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

QUESTIONS WITHOUT NOTICE

State Budget

Mr BORBIDGE (10.31 a.m.): I ask the Treasurer: can he advise the House how much money was allocated in his recent Budget to compensate land-holders for decisions of the Government that impact on the viability of their properties?

Mr HAMILL: In relation to the question that has been asked, I refer the Leader of the Opposition to my answer to him in the Estimates committee hearing.

State Budget

Mr BORBIDGE: I remind the Treasurer that he also failed to answer that question in the Estimates committee hearing, and I ask: has the Treasurer, in fact, allocated in his Budget one cent to compensate property owners who will be affected by decisions of his Government, what are the line items and what are the references in the Budget to any compensation whatsoever?

Mr HAMILL: It is well known that the Federal Government has gone on long and loud about the need for proper—

Mr BORBIDGE: I rise to a point of order.

Mr HAMILL: Does the Leader of the Opposition not want to have an answer to the question?

Mr BORBIDGE: The question relates to the State Budget; it did not relate to the Federal Treasury.

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

Mr HAMILL: Perhaps it is timely for a little lecture to the Leader of the Opposition about the nature of Federal/State financial relations. Obviously in the short time that the Leader of the Opposition was Premier, he never quite got his mind around these important matters.

The Leader of the Opposition should be aware that around half of the funds which were distributed through the State Budget come in the form of financial assistance grants or specific purpose payments to the State from the Commonwealth. Similarly, in the important issues, such as vegetation management, which is the subject of legislation before the House—and I do not intend to canvass the legislation—it was well known that the Commonwealth had made it clear that it would support proper and reasonable measures to enhance vegetation management across Australia and in Queensland. Consequently, it is the reasonable expectation of this Government that the Commonwealth will not just spend words, but provide proper financial assistance to a package of measures designed to enhance the conservation values and the land management values here in Queensland.

The Queensland Government will do its bit and the Leader of the Opposition should well know that any prudent Budget management includes contingencies in the Budget to deal with the matters arising, and there are proper contingencies in the Budget. But we need the Prime Minister, Mr Howard, and the Federal Environment Minister, Senator Hill, to honour their undertakings—to honour their undertakings to Queensland, to honour their undertakings to primary producers in Queensland. It is about time this treacherous bunch opposite stood up for the interests of Queensland, proper vegetation management in Queensland and the interests of the family farmers whom they purport to represent but do so badly.

Queensland Technology Exports to Japan

Mr SULLIVAN: I refer the Premier to the Beattie Labor Government's commitment to strengthening Queensland's international and export business reputation, and I ask: can he detail any recent announcements about Queensland technology being sold to Japan?

Mr BEATTIE: I am delighted to inform the House that a Queensland firm will play a major role in moves to modernise abattoirs in Japan. Townsville engineering company Wulguru, along with Japan's largest trading house, Itochu, and the CSIRO have landed a substantial contract to modernise Japanese abattoirs. The project is worth more than $1m to Wulguru and is significant because it can open doors for more lucrative contracts.

This Queensland/Japanese consortium beat tenders from several international companies for the upgrading of nearly 70 Japanese abattoirs. That means that once again our international friends have seen that Queensland business is best. In total, around

300 old abattoirs need to be upgraded due to the Japanese Government's push to improve hygiene levels following recent outbreaks of illness occurring from the E. coli bacteria. Wulguru will use this first project at Saga as a showpiece, and the consortium is now working to win two much larger contracts at Okinawa and Nagoya.

The achievements of this consortium are just one example of how Queensland is pushing exports to Japan beyond the traditional markets of coal and primary produce, both of which remain important and will continue to be so. When I was in Japan on my trade mission in October, I made a point of visiting Mr Takeshi Kondo, the managing director of Itochu, and other senior Itochu executives and representatives from Wulguru and CSIRO to talk about this important project. I congratulate them for securing this contract and wish them well for future contracts in Japan because it means more jobs in Townsville and in Rockhampton where Wulguru manufactures abattoir equipment. This contract is more proof that we are committed to making Queensland the Smart State by helping smaller companies access the services needed to formalise bids in other countries, especially in Japan.

That is a success story and one that all members of this House should be pleased with. We need to encourage people on the land, and that is why it is absolutely essential that all members of this House in one voice call on the Federal Government to provide $100m to this State to support nature conservation. My Government stands by farmers. What we have seen today from the Leader of the Opposition is an anti-farmer position. He does not want to see Queensland farmers compensated. The National Party does not care about farmers. As far as the National Party is concerned, the farmers are just pawns in a game with One Nation. They are not interested in the farmers. Every opportunity that the Leader of the Opposition from Surfers Paradise gets, he undermines the farmers. He does not care about the contributions that farmers have made to make this State great. All he wants to do is put pressure on the Commonwealth not to give farmers compensation.

Rockhampton Correctional Centre

Dr WATSON: I refer the Minister for Public Works and Minister for Housing to his press release of 22 November 1999 announcing the successful contract of the new Rockhampton Correctional Centre, with a price tag of some $89.5m, and I ask: given that the Minister for Police and Corrective Services announced the very same project would cost only $60m in a press release dated 6 May this year, why has the cost blown out by nearly $30m, or 50%, in just six months under his tender process?

Mr SCHWARTEN: I thank the honourable member for the question. It highlights again the honourable member's ignorance in these matters. As a previous Public Works Minister, he should know that contractual matters are a matter for that department, and that department, of course, is the Department of Corrective Services.

Dr Watson: It's your press release.

Mr SCHWARTEN: If the honourable member cares to read it, he will see that it was based on the fact that it was in my local area and it was a local media release on that basis. If I have to answer every question in here based on local media advice that I put out, quite truthfully, we will do nothing else. It highlights the incompetence and indolence of the honourable member. He really cannot keep up with the portfolio responsibilities. He could not do it when he was a Minister; he still cannot do it in Opposition.

Hardwood Plantations

Mr PURCELL: I refer the Premier to the Howard Government's recent action to remove incentives for investment in hardwood plantations. I ask: what is the State Government doing to encourage the establishment of hardwood plantations in Queensland?

Mr BEATTIE: My Government is about planting more trees to provide a sustainable timber supply that can act as a sponge to extract carbon emissions from the atmosphere. A critical element of our regional forest agreement strategy for south-east Queensland is the development of hardwood plantations as an alternative to native forests. The Queensland plan involves planting 5,000 hectares of native hardwood in south-east Queensland. Each extra hectare of plantation timber will extract 10 tonnes of carbon from the atmosphere every year. The Government is willing to play its role in establishing those plantations through direct investment, but it also sees an important role for the private sector to establish plantations on a commercial basis. We are talking about long-term capital investment tying up land for up to 25 years. That involves risk, which I am pleased to say many private sector investors appear willing to accept. The Government can encourage

private sector investors to take that risk by removing any unnecessary impediments.

Accordingly, I am pleased to announce today that my Government will provide stamp duty rebates to get hardwood plantations happening in this State. The 100% rebates will apply to stamp duty on commercial joint venture agreements, such as for the lease of land or land-holders' granting rights to third parties to manage and extract plantation timber. Currently a lease of land for forestry purposes would attract a duty of 0.35% of the total rental payable during the lease. All hardwood plantations established under commercial joint venture agreements will qualify, regardless of the species or the planned use of the timber product. The rebate will be in place until June 2003. The new measure does not require legislative amendment to the Stamp Act. The rebate is therefore available immediately from today. This morning the Treasurer and I agreed on the details. Instruments can be lodged for assessment in the normal way and 100% rebates will then be refunded.

Some of the most suitable land for hardwood plantations is existing cleared farm land that may be currently underutilised. Dairy farmers, for example, are already finding that they can lease up to 20% of their property for plantations, still run a viable milking herd and have a valuable, stable source of alternative income. This tax rebate will provide even more encouragement to existing land-holders to get more out of their land. If the Victorians continue their mad path towards dairy deregulation, Queensland dairy farmers may well be seeking alternative options such as these. This measure helps the hardwood timber industry, helps to manage greenhouse gas emissions and helps our struggling rural sector. It is just another example of how my Government is working in partnership with the community to deliver new ideas and better outcomes for all Queenslanders. I thank the member for Bulimba for his question. This is the sort of can-do Government that will drive investment, drive jobs and protect the environment at the same time. This Government is about planning a long-term future for this State. This is another example of that.

Environment

Mr SPRINGBORG: I refer the Minister for Environment and Heritage and Minister for Natural Resources to the environment policy he took to the last election, in which says that he will—

> "Examine the scope for a variety of incentives for land owners to enter into Voluntary Conservation Agreements and nature Covenants over their private land."

I will table that dishonest document. I ask: why has the Minister abandoned that policy in regard to freehold land management? Why did he not tell the farmers of Queensland the truth at the last State election?

Mr WELFORD: It might surprise members of the Opposition to know that, over the past 15 to 18 months, every couple of months I have received expressions of interest from rural land-holders to enter into voluntary conservation agreements. They enter into those voluntary conservation agreements, because—unlike members of the Opposition who assume that no-one wants to protect their vegetation other than to have it fully paid for or acquired—many land-holders want to protect their vegetation and areas of high conservation value for its amenity value and for other purposes and because they care about the land. They approach me almost on a monthly basis to enter into voluntary conservation agreements.

Yes, we made a clear commitment at the last election to pursue an approach that would encourage people to consider their land from a variety of perspectives and see the range of values that land has both for productive purposes and for environmental and amenity purposes and encourage people to identify areas on their land that are of high conservation value for which they would enter into voluntary conservation agreements to protect. We assist those land-holders in various ways through assistance with fencing and weed treatment, assistance through Landcare and catchment management strategies and NHT funding. In the last 12 months we also made it very clear as part of the discussions we have had with members of the rural industry that we would work towards an incentives package to complement the implementation of new vegetation management arrangements. We stand by the commitment that an incentive package is absolutely crucial to the effective implementation of the vegetation management package that we have introduced.

All the stakeholders, not just the Government but also rural industry and the other stakeholders, who have been involved in the consultations we have had throughout this year have always acted on the basis of a Federal Government commitment to be a shareholder in this project. The Vegetation

Management Advisory Committee included the Federal Government's representatives. They have been partners in this project from the start. Senator Hill made it clear to me on a number of occasions that he regarded Queensland's special circumstances as justifying special treatment from the Commonwealth. That is the basis on which we are proceeding.

Bundaberg Food Precinct

Mrs NITA CUNNINGHAM: I ask the Minister for State Development and Minister for Trade: can he inform the House of any developments on the site of the former Government abattoir in Bundaberg?

Mr ELDER: I thank the member for the question, because she has worked tirelessly to get a resolution to the question about that site. I know there has been a strong concern locally and a strong dissatisfaction with the performance of the previous Government and the member for Burnett about their lack of action in this case and the economic rationalist perspective that closed the abattoir. They walked away without any consideration for the 25 workers at that site.

Mr SLACK: I rise to a point of order. I ask that the statement that I closed it down without any consideration be withdrawn. It is untrue and I ask that it be withdrawn.

Mr ELDER: If the member asks for it to be withdrawn, I will withdraw it. Is he the member in that region, or not? Did his Government make the decision, or did it not?

In May this year I announced a feasibility study for a food-processing precinct on the site. On the face of it, that seemed a good use of the site, as it is far enough out of town to be able to be developed as an industrial site without encroaching on the lives of people in Bundaberg. In addition, Bundaberg has a vital horticulture sector that is growing quickly, with innovative growers such as David De Paoli with his chillies, Auschillies, and others adding value to crops that are close to the markets and providing more jobs for people in that district. Consequently I am pleased to be able to tell the House that there is a great deal of interest from the Bundaberg district for a food precinct of the type we outlined. Several businesses have indicated that they are prepared to commit to the site if it is developed in an appropriate way and the land price is reasonable. Discussions with proponents have been encouraging and possibly other businesses in the region will also locate to that site as it builds and as we grow the site.

For the first stage of development, I am pleased to say that we anticipate that that project has the capacity to attract up to 100 jobs in the first two or three years, with the potential to generate more in the medium to longer term. The Government will play its part to help make that project happen. A currently idle asset—land held by the Queensland Abattoir Corporation—will be used by the Government to create jobs for value adding to the horticultural industries throughout the district. The Government will provide the funding to develop part of the site as a food precinct. However, that project will also require funding and town planning support from the Bundaberg City Council for the provision of infrastructure such as water, sewerage and stormwater drainage.

I take this opportunity to invite the Bundaberg City Council to join the State Government in providing support and funding for this important project. The State Government looks forward to the development of this innovative concept of a food processing cluster for the people of Bundaberg. What this is about is the Beattie Government again picking up the mess which had been left behind by the Borbidge Government, particularly the mess that was left behind in Bundaberg. The Borbidge Government simply threw away 25 jobs without any consideration of what might be done to help compensate the people involved. This will be a project that will drive—

Mr SLACK: I rise to a point of order. Those remarks are untrue and offensive and I ask that they be withdrawn.

Mr SPEAKER: Order! There was nothing personal said about the honourable member.

Mr ELDER: See how sensitive is the member for Burnett! He was a member of a Government which walked away from the people of Bundaberg. The coalition was in Government at the time of the closure of the Bundaberg abattoir. We were not in Government; the coalition was in Government. Those opposite showed no consideration for the jobs of those 25 people. The plant was closed and the coalition did nothing to offset the loss of those jobs. Now the honourable member has the nerve to stand in this House and criticise this initiative.

Time expired.

Townsville Industrial Land Project

Mr KNUTH: My question is directed to the Premier. I refer to the Townsville industrial land project and the Woodstock landowners vowing

that they will never move from their land or homes no matter how much money they are offered. The Premier was quoted in the Townsville Bulletin as giving assurances that there will be no forced land resumptions. I ask: does the Premier agree that it is pointless pursuing the acquisition of this site at Woodstock? Would the Premier not be better off finding a more suitable parcel of industrial land elsewhere that will not impact on prime agricultural land and affect public water supplies? Will the Premier offer to accompany the Deputy Premier on an inspection of the Townsville industrial land project site?

Mr BEATTIE: I am always happy to offer the Deputy for an inspection and I know he would be keen to do it. Let me respond to this question in some detail because, as the honourable member is aware, there was a Community Cabinet meeting in Charters Towers at the weekend. A number of people from Woodstock attended the meeting; in fact they filled the first two rows at the Community Cabinet gathering. They raised a number of issues and they asked me a number of questions. They also had delegations to the Deputy Premier. In fact, there were a number of delegations. The Woodstock representatives put a number of issues to us.

The Deputy Premier intends to continue to work this through with the people involved and will meet with them again.

Mr Borbidge: That's the end of that.

Mr BEATTIE: The member can be rude if he wants to be, but I want to answer the member's question.

The member who asked the question is the Leader of the Country Party. He should do something about these rude National Party members who keep interjecting when I am trying to answer the Leader of the Country Party's question. I have to say that it would never have happened in the good old days of the Country Party.

Let me continue with my answer. I told the gathering at the Community Cabinet meeting that nothing would go ahead—and let us be really clear about this—unless there was a proper environmental impact study. That was the first thing. Under those circumstances, there is no threat to Townsville's water supply. There is no threat to the water systems or ecosystems in that area because nothing will go ahead until an EIS is done at some appropriate time.

The second thing I said was that this is about long-term planning. This is long-term planning for 30 years. We are not resuming the land. There is no compulsory resumption of land as there used to be in the old days. This is about land-use planning.

The difficult thing for this Government in this area and in many other places is about planning jobs for the regions. My Government is committed to providing jobs for the regions. This is about ensuring that Townsville and the surrounding region grows. Previously in this House the member for Burdekin suggested that this project should be moved to Bowen. My Government is committed to seeing development occurring at Bowen, but this involves the private sector. In a free society, I cannot direct that private sector investors will go to Bowen. I would love to see them do that. On Sunday, I met the Mayor of Bowen and I would love to see development go into that area.

Let me sum up. Firstly, no-one is losing his land. This is about future planning over the next 30 years. The Deputy Premier is continuing to meet with the people involved and is discussing the issue. If this went ahead, nothing would happen until a full environmental impact study was completed and the appropriate ticks were given to it.

I took questions from the people of Woodstock and also spoke privately to them. They understand what we are trying to do. My comments at the public meeting were widely reported in the Townsville Bulletin, as the honourable member for Burdekin said. We will continue to work with the people to resolve this issue.

Gaming Machine Applications

Ms STRUTHERS: I draw the Treasurer's attention to newspaper reports alleging a flurry of panic gaming machine applications, and I ask: are these reports correct and, if so, what action is the Treasurer taking to address this issue?

Mr HAMILL: The member for Archerfield's interest in matters pertaining to gaming in the community is well known and I want to place on record my appreciation of her work in formulating the report entitled The Gaming Review. Certainly, issues concerning the proliferation of gaming machines have generated a lot of public comment in recent times.

Perhaps the most interesting comments of all were those made by the member for Aspley in the Parliament the other night. In this case, the member for Aspley would have to be known as the Rip Van Winkle of the Parliament. He came in the other night to

make his annual speech. What had happened was that he had woken up too late. He had obviously slept through the fact that the Parliament considered important legislation that very afternoon which dealt with the very issues that caused him such concern just before midnight.

For the benefit of the member for Aspley, and for everyone else who has concerns with regard to this matter—

Mr BORBIDGE: Mr Speaker—

Dr WATSON: Mr Speaker—

Mr HAMILL: Here we have Tweedledum and Tweedledee. What's your problem?

Dr WATSON: I rise to a point of order. The Treasurer is misleading the House. The member for Aspley had medical certificates with regard to his absence.

Mr SPEAKER: Order! That is not a point of order.

Mr BORBIDGE: I rise to a point of order. The honourable member for Aspley has had a bout of illness this year which has required—

Mr SPEAKER: Order! That is not a point of order.

Mr BORBIDGE: I think it is quite inappropriate for the Treasurer to seek to make political capital out of someone's illness.

A Government member: He was around.

Mr BORBIDGE: You said he wasn't around.

Mr SULLIVAN: I rise to a point of order. The member has misled the House. There was no pair for Mr Goss earlier this week.

Mr BORBIDGE: I did not say there was.

Mr SPEAKER: Order! This is not a debate.

Dr WATSON: The member for Aspley had a medical certificate. The Treasurer should apologise to him.

Mr SPEAKER: Order! Before calling the Treasurer, I again warn honourable members about the taking of frivolous points of order. I will warn the next member who takes a frivolous point of order under Standing Order 123A.

Mr HAMILL: The point I made was this: the member for Aspley obviously slept through the debate on the gaming machine regulations, and he then castigated the Government for not doing the very things we did that afternoon. A number of issues are very important in relation to this matter. I know the Leader of the Opposition is not interested, but other members are interested.

First of all, the Government moved very significant amendments to ensure that we empowered the Gaming Commission to deal with social and economic issues in relation to the determination of gaming sites. Most importantly, we gave power to the commission to deal with applications which were currently before the commission.

Another point I wish to make is this: it had been the practice in the past for proponents of gaming machine sites to go to the Gaming Commission to get a prospective approval pending the issuing of a liquor licence. That has changed. There will no longer be any such prospective approvals. That is the important point here. The fact that one receives a liquor licence should not mean that one automatically lines up for a licence for a gaming machine site.

Furthermore, the Office of Gaming Regulation has advised that, even though a lot of clubs and hotels have been making applications for approval for a certain number of machines, the machines were not being put in place. Consequently, clubs and pubs had been banking the approvals, in a way, so that they could bring those machines on line over an extended period. That practice has also changed. If an approval is granted, the machines should be in place within 12 months, otherwise that part of the approval which has not been fulfilled will lapse. With regard to longstanding approvals, the pubs and clubs involved have been advised that unless the original approval is fulfilled the part of the application which has not been fulfilled will lapse in a period of about six months. We are determined to deal with this issue in a responsible manner.

Queensland Fish Management Authority

Mr COOPER: I refer the Minister for Primary Industries to the Queensland Fish Management Authority's 1998-99 annual report, which posts a $2.4m operating loss and in which chairman John Kerin admitted that the QFMA "does not have the financial resources to effectively discharge its responsibilities and obligations under the Fisheries Act 1994". I refer also to the statement on page 27 of that report that—

> "The Authority, with Queensland Cabinet approval, is currently in the process of developing a service fees policy to bring revenues more in line with service delivery costs."

Given that the Minister has denied in the media that new fees will be introduced, I ask:

has Mr Kerin's board been developing new fees without Cabinet approval or has he taken it upon himself to overturn Cabinet's decision?

Mr PALASZCZUK: The financial management issues raised in the annual report of the Queensland Fish Management Authority are symptoms of the management problems that persuaded me to take a submission to Cabinet in May this year to have the board of the QFMA removed. Not only was the board removed; I also put in place a complete review of the management of fisheries in Queensland, both in the Queensland Fish Management Authority and DPI Fisheries. The results of that review should be known to the public very shortly.

At the time the board of the QFMA was removed in May, I promised a complete overhaul of fisheries management in this State. That is also in line with the Labor Party's policy at the last election. I am informed that the operating loss of $2.4m referred to in the annual report is a product of the change to accrual accounting. These figures are about equity, not liquidity. What that means is that there is no funding shortfall for the QFMA. Let me also firmly reject any suggestion of increased fees. Despite the scaremongering of the honourable member for Crows Nest, there are no new fees. Although the report talks about developing a service fees policy, that does not mean an increase in fees. That is all about better management.

I am assured that the current board has addressed the management practice of the QFMA. Expenditure has been curtailed. The authority is on track for a balanced budget this financial year and the board has now approved a business management plan.

Mr Cooper interjected.

Mr PALASZCZUK: Yes, that is right.

The bottom line is that the Beattie Government is addressing the problems of the QFMA. As with so many issues left in the too-hard basket by the Borbidge Government, this Government is taking a much more responsible approach and we are addressing this issue. We are getting on with the job of providing good government for the people of Queensland.

One of the major problems of the QFMA board was that it was progressing far too many management plans. Some 14 management plans are out for public consultation. That takes up a lot of money. One management plan, the Coral Reef Finfish Management Plan, has received over 1,000 submissions from interested people from throughout Queensland. Most of those submissions expressed concern about the management plan. I inform the House that I will be having a quiet word to the board of the QFMA to see whether we could take that Coral Reef Finfish Management Plan out of action so that we can have further consultation on that issue. In respect of the other 13 management plans, I will ask the QFMA board to curtail and extend the time of those management plans so that they are not all out at once.

Employment

Mr WILSON: I refer the Premier to the Government's commitment to generate jobs, jobs, jobs, and I ask: is he aware of any recent trends in employment in Queensland?

Mr BEATTIE: This morning the Australian Bureau of Statistics released its employment estimates for November. I am pleased to advise the House that the trend rate of unemployment is now 8.2%, down from 8.8% when my Government came to office. Last month the ABS reported the trend rate as 8.3%, but that has since been revised back to 8.2%, reflecting a substantial readjustment to the seasonally adjusted figure. I will read from the official document, which is interesting. It states—

> "It is important to note that the fall in employment in Queensland reported in the October Labour Force release has been revised, with employment now estimated to have risen by 0.1% (1,900 jobs) in October."

I thank it for that revision. This means that the latest figures show that 2,600 jobs were created in Queensland last month, and my Government has now created 50,000 jobs since we came to office.

Last month there was some media debate about the use of seasonally adjusted statistics as opposed to the smoothed trend series that my Government consistently uses. We do not use seasonally adjusted figures, because they bounce around from month to month, in spite of being adjusted for seasonal conditions. It is worth noting that the seasonally adjusted figure rose from 8.4% in September to 8.7% last month, which was widely reported. However, this month it plummeted to 7.8%. In the interests of fairness, I expect that this will be widely reported in the media. It is simply not a reliable figure and we will not use it even though it is substantially lower than the trend figure. It just shows how silly the Opposition was last month,

when it tried to score cheap points by seizing on a seasonally adjusted aberration.

Today's employment statistics confirm the strong economic and employment growth that has been a hallmark of my Government. It reflects the fact that Queensland is leading Australia in business investment and has the brightest future in terms of major projects and jobs. It reflects the fact that retail sales are still bowling along at 5.7%—strong growth on top of record retail sales over recent years. It reflects the fact that building approvals are finally getting back to average levels after years in the doldrums. It reflects the fact that record levels of international tourists are arriving in Queensland, with 9% growth over the past 12 months.

We have really only just started on our quest to bring down unemployment to acceptable levels. I accept that we have a long way to go to get to 5%, but my Government will maintain its intense focus on delivering long-term sustainable jobs for Queenslanders. We are delivering jobs, jobs, jobs for Queenslanders.

Injuries and Fatalities in Queensland Hospitals

Miss SIMPSON: I ask the Minister for Health: given disturbing research that Australian hospitals may be killing or injuring 10.6% of patients, which is up to three times the United States' rate, what is the rate for Queensland's State and private hospitals?

Mrs EDMOND: I am delighted to answer that question, because it shows how statistics can be played with. This is a serious concern. This is an issue that I have been speaking about for several years. It is important for everyone to realise that the statistics used in the United States and Australia are very different. One of the key differences is that everybody in Australia and Queensland has access to hospitals, which is not the case in the United States. Consequently, there is an unofficial screening process whereby people with multiple diseases and poor health often miss out on necessary health services. We have to take that into account, because these are the people who are more likely to have secondary problems and adverse effects.

This is an important issue and it is something that everyone should bear in mind when they seek medical treatment, particularly surgery. That is one of the reasons why I say people should not be seeking unnecessary and frivolous surgery. It always carries the risk of an unexpected or untoward side effect. The number of patients admitted to public and private hospitals—this figure covers both—who experience adverse events is cause for concern. In fact, we are already acting on this matter.

In Queensland, a council has been formed to look specifically at quality and safety in public hospitals. This is something that I have established since I have been the Minister. I table the document Queensland Health 1999: Good Health and Better Health Services 2004, which outlines the steps we are taking. It is a good move and it shows that we are taking this seriously.

Mr Elder: More than they did in Government.

Mrs EDMOND: That is absolutely right.

It has been meeting for a couple of months now. The fundamental issue is that the community expects Queensland Health to provide health services that are safe and of the highest quality. As a Government, we are determined to provide such services. The Commonwealth is providing $120m over the life of the current health care agreement. For the benefit of the honourable member who keeps saying that these increases are for this year, I point out that $120m is spread over the entire life of the agreement to improve quality and safety in our hospitals.

Miss SIMPSON: I rise to a point of order. The Minister is misleading the House. It is a $1.3 billion increase over the five-year agreement.

Honourable members interjected.

Mr SPEAKER: Order! I could not hear that point of order.

Mrs EDMOND: I am not sure what the honourable member is objecting to—

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

Mrs EDMOND: The department has invited staff to put forward proposals about the steps that could be taken to improve the quality of services, and a decision is expected by the end of this month on which projects will be taken up. We are working with the Commonwealth to do that.

A number of projects will be about education of staff and underpinning policies and procedures aimed at improving and reducing the number of adverse events in the health system. I have said on numerous occasions that this is one of the areas where we can make significant savings in the health system if we focus on those areas where we

are using old systems or methods which do not give a positive result.

Time expired.

Unemployment

Mr FENLON: As the Minister for Health knows, the Beattie Government is committed to creating jobs and giving young people and long-term unemployed people the opportunity to develop skills and gain meaningful employment. I ask: could the Minister inform the House of any initiatives Queensland Health is taking to achieve this fine objective?

Mrs EDMOND: I can indeed and I thank the member for his question. Along with everyone on this side of the House, he shares our enthusiasm for creating jobs for young people, particularly young unemployed people in Queensland who might be finding it difficult to get a job. We are giving them that leg up. The Queensland Government is committed to breaking the unemployment cycle. I am delighted that Queensland Health is taking seriously its role in this area.

As people probably know, Queensland Health employs about 60,000 people across this State, but many of those are highly skilled professional people. The good news for unemployed young people and long-term unemployed people across Queensland is that this year 220 State Government traineeships will go on offer from this weekend when Queensland Health advertises for its next intake of trainees. The campaign is to attract a fresh influx of trainees into Queensland Health and is Queensland Health's contribution to the Queensland Government's Breaking the Unemployment Cycle program. This program is now in its second year. We have already heard many of the successes it is achieving. Successful applicants will take up their positions with Queensland Health progressively throughout the first six months of next year.

We are giving school leavers, long-term unemployed and unskilled youth a real chance to gain valuable hands-on training and experience in Queensland Health, and we are doing it throughout the State. There are three positions in Woorabinda, six positions in the Torres Strait, seven on the Gold Coast—there should be a cheer from the member for Surfers Paradise—a position in the North Burnett, occasionally visited by the member, another on the northern downs, three at Gladstone, four at Gympie and the list goes on. We want to help Queenslanders enter the work force and gain skills in their area of interest wherever they live in Queensland.

There are traineeships available covering a wide range of fields such as information technology, office administration, multimedia and engineering. The offer includes 25 dental assistant positions. We are particularly keen to attract candidates from the Aboriginal and Torres Strait Islander communities, non-English speaking backgrounds and people with a disability. The trainee recruitment drive will start with an advertisement appearing in newspapers across the State this weekend. People wanting more information can ring the 24 hour freecall number 1800 068 380—I hope those opposite have all noted it down—from next Monday, 13 December. We wish every applicant well.

East Timor Reconstruction

Mr SLACK: I refer the Minister for State Development and Minister for Trade to the World Bank funded reconstruction program for East Timor, to the energetic representation in that territory of business interests from Western Australia, the Northern Territory and Tasmania with strong backing by their Governments, and to reports that a well organised north Queensland based consortium in East Timor has met with little interest from the Queensland Government. I ask: what measures has the Queensland Government put in place to ensure that Queensland and Queenslanders are fully engaged in the reconstruction of this newly independent territory and in the great project of helping the Timorese people create a future for themselves?

Mr ELDER: In terms of our involvement, the premise of the question is untrue. The fact of the matter is that we have been engaged with a number of companies in relation to support and providing assistance to access East Timor and work in East Timor. We have been working with the Federal Government in that. We do not have to sing from the rafters to do these things. We just have to work away and do it. We have been doing just that. After coming to an understanding of the sensitivities of dealing with this part of the world—and I would have thought the member would have understood the sensitivities—we have worked with companies to maximise the opportunities for a number of them in East Timor. We have been doing that and are continuing to do that.

It surprises me continually that we get questions from the Opposition about issues such as this that are somehow critical of us for doing it quietly. We have done more in relation to trade with regions around South-East Asia this year than we had done previously.

Mr Palaszczuk: Take the Middle East.

Mr ELDER: And the Middle East. I take the interjection from the Minister in terms of our developing markets. We go about our business quietly. One of the things that has been a success for this State this year is that this is the biggest year on record for projects in this State—projects that are under construction, projects that are likely to commence construction, companies being relocated to Queensland and companies expanding their operations in Queensland. This is the biggest year on record. That is evidenced by the lack of criticism that we get from the broader business community. If the broader business community is critical of anyone, they are critical of the leadership of the Opposition for the negativity, the whingeing and the whining. We have been working tirelessly to improve jobs and job opportunities for Queenslanders, and we will do so in relation to this issue as well.

If there is a difficulty for the Opposition, it is this: I was quite interested to see the Opposition's new law and order policy of three strikes and you're out—three members with a criminal conviction. As far as I understand it, the organisation is illegal and that organisation would be banned. There would be no membership of that organisation. I thought about how Machiavellian those in the Opposition can be. I knew that the member for Toowoomba South was doing the numbers against the temporary Leader of the Opposition, but I did not think that the member for Warwick was involved. When I thought about it, the only organisation I know of around here that had that type of representation was the 1989 National Party Cabinet, of which, of course, the member for Surfers Paradise was a member.

Working on the basis of three strikes and you're out, they could not get their leader by numbers so they will get him by stealth. The Opposition's own law and order policy basically says that the member at the time was a member of an illegal entity and, as an illegal entity, the member would be banned under his own law and order policy. That is not hard to work out. I know the member cannot work it out, but it is not hard to work out. I never knew the member for Warwick had an interest in the job of the Leader of the National Party, but the member for Surfers Paradise had better check his own policy. They are undermining him.

Federal Industrial Relations Jurisdiction

Mr MUSGROVE: I ask the Minister for Employment, Training and Industrial Relations: can he comment on claims that the new Queensland industrial laws have seen an exodus of employers and employees to the Federal jurisdiction?

Mr BRADDY: I thank the honourable member for the question. One of the great furphies and myths going around Australia, particularly in Queensland, is that there has been an exodus to the Federal jurisdiction. In fact, the reverse is true. The vast bulk of Queensland employers have not tried to play politics on this issue. It has been business as usual. The exodus has not occurred. The fact is that, since 1 July this year, I am advised that no Queensland employees transferred to Federal awards from the State's jurisdiction—none at all. In relation to certified agreements, we have 239 new certified agreements covering more than 20,000 employees approved and registered in the Queensland Industrial Relations Commission since 1 July. Why does the Opposition think that the elections have gone our way in Victoria and New Zealand? It is substantially because of their concentration on unfair industrial laws and loss of services.

What we have seen in Queensland is the contrary. Queensland industrial laws continue to apply to 55% of Queensland employees under either awards or agreements. A further 17% are covered by our new industrial laws, which protect them in relation to matters like annual and long service leave. That adds up to 72%. What is the coverage for the Federal industrial laws through everything—through awards, agreements and AWAs? It is 28%. So it is 28% Federal and 72% State. What about these much touted individual agreements, the AWAs? Do members know how many there are for the national Australian work force? Less than 1%—0.94%. Do members know where most of those came from? Half of them used to be in Victoria because of the Kennett Government. With the election of the Bracks Labor Government, the Kennett Government is out. The Bracks Labor Government is going to have certified agreements for their public sector, not individual agreements. AWAs have been the greatest failure of all time. The myth that Australia is turning to the Reith industrial laws is exposed for what it is—mere empty rhetoric. Queensland employees and employers are sticking with the Queensland industrial system. Fewer than half of 1% of Queenslanders are covered by individual agreements. The figure is slightly less than 0.5%. So in Queensland it is an even bigger myth. Average coverage of individual agreements is 0.9% nationally; it is 0.5% in Queensland.

Generate Youth Participation Strategy

Mr NELSON: Will the Minister for Families, Youth and Community Care outline to the House her plans for a State youth council, as suggested by the Generate youth participation strategy? Will the Minister confirm that she intends to stack the State youth council with hand-picked Labor toadies, despite numerous submissions on the Generate document cautioning the Minister against this undemocratic and highly selective process?

Ms BLIGH: They are all out on the grassy knoll this morning, aren't they? It is a very crowded place. I am very pleased to have an opportunity to talk to the House about the Labor Government's youth participation strategy. We went to the last election with a very clear policy that we believed young people should be consulted more by Government. I do not think anybody can say that there is one single strategy that works for all young people. They are a very diverse group, particularly when they are defined from the ages of 12 to 25. Depending on where they are in that age category, they have different interests.

We put together a discussion paper which, as the member rightly said, was called Generate. We proposed four separate strategies that were interlinked, including a web site, a youth council, a proposal to have more young people on Government boards and decision-making bodies and some resourcing for local area networks out in regions. A number of submissions have been referred to me. The department is still in the process of compiling all of the recommendations. I have had no final recommendations put to me. Many people put in submissions. A number of those proposed things in addition to the four strategies we had suggested.

I can confirm to the House that, should our Government decide to establish a State youth council, it will comprise representatives of relevant Government departments, representatives of all of the major peak bodies in the youth sector and representatives of young people themselves. They will be selected through a process that allows all young people in Queensland to put themselves forward. I can guarantee that, like every other council and ministerial advisory body I have appointed, there will be widespread regional representation as well as representation of specific target groups. Any suggestion to the contrary is just nonsense.

Boating and Fishing Safety

Ms BOYLE: I ask the Minister for Primary Industries: in view of the increasing popularity of boating and fishing in Queensland, will there be any special measures taken during the upcoming holiday season to maximise safety on our waterways?

Mr PALASZCZUK: I thank the honourable member for raising an issue which is of concern to many thousands of Queenslanders and visitors from interstate who use our waterways during the Christmas holiday period. In the period leading up to, during and after the Christmas/new year holiday break, officers of the Queensland Boating and Fisheries Patrol will be rostering additional patrols to ensure a safe and good time for all our waterways users. These patrols will be concentrated in the major boating areas of south-east Queensland such as the Gold Coast, Brisbane and the Sunshine Coast. It will also include Hervey Bay. Officers will be paying particular attention to speeding, safety equipment, navigation lights and boat registrations. I make an appeal to all users of our waterways: let us have a safe and happy Christmas.

It is also appropriate to remind recreational fishers that there are regulations applying to fishing in Queensland. If people are unsure of the rules, they should contact their local DPI office at the Boating and Fisheries Patrol in their area to get the necessary information. Everyone who intends to take to the water should be aware that the patrol officers will be on duty throughout the State during the Christmas and new year break.

In north Queensland, everyone who goes fishing should also be aware that the barramundi fishery in the Gulf of Carpentaria closed on 2 December and does not reopen until 28 January next year, whilst the barramundi fishery on the east coast closed on 1 November and will open again on 1 February. This is not the time to be taking barramundi in north Queensland.

Queensland Boating and Fisheries Patrol officers will also be more vigilant in the Great Barrier Reef Marine Park over the next few months, with patrol operations being stepped up in the remote areas of the park to ensure compliance with the marine park rules. Anyone who is unsure of the rules in the marine park should contact his or her local Queensland Boating and Fisheries Patrol or the marine park's office for information. In the end, what the Government really wants to see is that

everyone has a good break catching fish and enjoying safe boating.

WorkCover Queensland

Mr SANTORO: I refer the Minister for Employment, Training and Industrial Relations to the current VER process which is being undertaken within WorkCover Queensland. I also refer him to his answer to a question on notice to Estimates Committee F, in which he indicated that between June 1999 and June 2000 over 300 staff members are expected to leave WorkCover through the VER process. How does the Minister reconcile his vehement opposition to and criticism of the VER process which was undertaken by the previous coalition Government in certain parts of the Public Service and WorkCover with the VER processes which are currently being pursued by WorkCover Queensland, over which the Minister has the power to ministerially direct policies, which will see the exodus of between 25% and 45% of full-time staff currently in the employ of WorkCover?

Mr BRADDY: There is an enormous difference between what occurs under this Government and what occurred under the coalition Government when the questioner was the responsible Minister. First I will deal with the VER policy that was pursued directly by that Government, as opposed to that indirectly occurring through statutory authorities such as WorkCover.

The great scandal that occurred under the previous Minister and the previous Government was certainly in relation to TAFE and its complete cutback. Clearly the intention was the devastation of TAFE so that the field would be left entirely to private providers. That was entirely within the control of that Minister. His performance is on the record to be evaluated and assessed, and it has been by the staff of TAFE Queensland.

The member knows that WorkCover is a statutory authority. It keeps me informed and I am satisfied that the people taking VERs in WorkCover truly wish to take VERs. Those VERs have occurred after substantial capital injection. Also, WorkCover is putting on substantial numbers of trainees. WorkCover has indicated that over time, as the needs are assessed, the numbers will rise again. The trainees are happy and WorkCover is picking up some good employees. WorkCover is substantially doing its job. The chairman is going around the State and I know that he is meeting with members of Parliament from the regional cities as well. WorkCover keeps me in touch with what is occurring.

So what is occurring in WorkCover are truly VERs—not dominated by an evil agenda, as was the case under the previous Government. As I said, that was particularly evident in relation to TAFE. We have had to restore TAFE's morale and funding. That has occurred substantially under this Government. That needed to be done.

We optimistically but realistically expect that when the voting on the core Public Service offer comes in people will be supporting this Government's public sector policies and that the vote will be a very good one in terms of confidence in this Government and in terms of both wages policy and employment policy. That is the difference between the Beattie Labor Government and the coalition Government, which let workers down.

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

WATER RESOURCES AMENDMENT BILL

Second Reading

Resumed from 8 December (see p. 6176).

Mr STEPHAN (Gympie—NPA) (11.30 a.m.): It gives me a great deal of pleasure to join in this debate this morning on the Water Resources Amendment Bill. Wherever we go throughout this State, particularly in country areas, a water supply is very important. It is also very important to have a sufficient water supply from one year to the next but, unfortunately, that is not always the case.

During the fifties, there was a major drought in the Gympie area. At that stage Gympie was relying on the Mary River for its water supply, and when the Mary River ran dry, so did Gympie's water supply. Under those conditions, the decision was made to build the Borumba Dam, which has stood the test of time from the mid fifties until now. Additions have been made to the dam, but the amount of water that it captures is no more than it was when it was built, and many people tap into the water supply from that reservoir. We had hoped that the dam would be extended but, unfortunately, that has not been the case.

It would be at least five or six years before another dam could be built to ensure that there is a sufficient water supply in that area, that is, the area from Tinana to Maryborough, down the coast to Noosa, Maroochydore and Caloundra. A large number of people rely on their water supply from that area, and they cannot live without that. I look forward to the

day when another dam will be constructed in that area to ensure that those people have an adequate water supply. I feel sorry for the primary producers who rely on that area for their water supply. They cannot get water from any other irrigation area; they have a set allocation, and that is it. During dry periods in particular, it is very important that those producers are looked after so that they can maintain their viability.

I note that the Water Resources Act provides for the constitution, by regulation, of a part of Queensland as a water supply or drainage area. A board for an area may be constituted in respect of works for water conservation, water supply, irrigation, drainage, flood prevention, flood control or the replenishment of underground water supplies in order to benefit that entire area. I am talking about areas that are used for grazing cattle and growing fruit and vegetables. Those areas get their water supply from small streams or underground sources. But during dry periods, those primary producers run short of water. The fruit and vegetable industry in my area stretches between Laidley and Maryborough. If work is not done to capture more water for agricultural purposes in that area, that production will cease.

It is all very well to look at that area now, because it has had a reasonable season, but the rainfall that it received in the last five or six years was only 20 inches a year. Usually, it is around 40 or 45 inches. So the rainfall in that area in the past few years has been very low. We look forward to better seasons in the future. However, we must not assume that we will always have a sufficient water supply in that area, and if we do not put in place a process whereby we ensure an adequate water supply for the future, we will run into trouble.

At the moment a lot of the food that we eat comes from the coastal areas of Queensland and New South Wales and a bit further to the south in the summertime. A lot of fruit vegetables are also coming from other areas, such as the Ord and surrounding areas. Producers in Queensland have to compete with growers who are able to tap into an enormous volume of water that is readily available right throughout those other grower areas. We have the knowledge and the expertise. What we really need now is to put them together, and I know that will happen.

I turn to the current dam situation. For some reason the Government has decided that it is not going to build any more dams. If it is going to build dams, it is certainly hiding that fairly well. I notice that the Minister is frowning at me. To my knowledge, no programs have been put in place that will see the construction of a dam in the next 12 months, or even two years. It is disappointing that we have to wait at least that long before programs can start. The benefits from dam construction are derived not only by people living in adjacent areas but also growers who utilise the water that flows to other parts of Australia. It is important for each and every one us to consider those benefits so that everyone can look forward with confidence.

Another project to note is the possibility of pumping water from Brisbane and its surrounds up to the Lockyer area, and hopefully farther west than that. I am looking forward to that as it will utilise the grey water that currently flows into the ocean. It would have two notable benefits. First, grey water that flows into the ocean is going to contaminate it. Secondly, if primary producers, secondary producers and others can utilise that grey water, the whole country will benefit. Comments have been made from time to time that it would be very difficult or very expensive to pump that water into the production areas of the Lockyer Valley and surrounding districts. When we look at the prospects—the possibility of running short of water as we have done in the past 12 months—there is no alternative.

We look forward to the possibility of that program being put in place so that generations to come can utilise that grey water. With those few comments, I repeat that I hope that that process will be put in place.

Hon. T. R. COOPER (Crows Nest—NPA) (11.45 a.m.): I, too, have pleasure in taking part in this debate on the Water Resources Amendment Bill 1999. The Explanatory Notes state that the Bill provides for the constitution by regulation of a part of Queensland as a water supply or drainage area. It goes on to say that a board for an area may be constituted in respect of works for water conservation, water supply, irrigation, drainage, flood prevention, flood control or the replenishment of underground water supplies, which, of course, means the bores out in western Queensland.

As the Minister would well know, whenever the subject of water is raised it can cause some angst, especially out there in the bush. People have often said to me, especially now that the WAMP system is coming to a head, "We all recognise there is a shortage of water. We all recognise this is a dry continent and we all recognise there is a need to conserve water, to use it smartly and to be

smarter and smarter in its use"—and not a lot of it is around. We know that during flood times, that is not the norm, that it is only occasional.

Basically we live in pretty dry times. We have an abundance of water in certain areas of the nation, be it up there in the Ord River, as has been mentioned, and northern Queensland. I know that there is always a shortage in some areas. When we talk with people, they will tell us that they have a supply of sorts; some have more than others. However, they say that wars will be fought over water before we are finished. It is not an easy position for anyone to be in as far as dealing with water is concerned. I think we all recognise that something has to be done. The knowledge and expertise of people who have been involved in it for generations have to be taken into account. I do believe that, if the Government appeals to the practicalities and commonsense of people, it will get a fair outcome, even though it will be difficult. If the Government imposes things on people, it will get trouble, and that is the last thing we want.

A lot of people have spent a lot of money either in putting down bores for stock purposes or for conservation of water for production, be it cotton or other such crops. I have just come back from the Dirranbandi area and the Ord River. I have seen a lot of water around and I have witnessed the expense that people have gone to in order to provide for themselves and ensure that they have water security, which is what people want. That means everything to someone producing a crop. It is all very well to get it planted, but they want to make sure that it can be harvested at the end of the day. If they do not have security of water supply, they will be on a losing streak, and we understand that.

I have seen many people go to a lot of expense in water harvesting, and we have to commend them. It is an unbelievable thing, particularly in the town of Dirranbandi. The Minister might have been out to Dirranbandi and St George. Dirranbandi was dead as a wool town five years ago. It was all but deserted. I went back out there recently and found that there is so much employment around that there is no way that someone could get a house out there. House values, for heaven's sake, have risen through the roof. Private enterprise people out there who once upon a time employed no-one except themselves and their wife and kids are now employing up to 150 people. It is quite extraordinary, but it is good. It shows that it can be done, but it is all done because of water. The fact is that they have harvested water, and they have harvested it well.

I have previously mentioned Cubbie Station and Des Stevenson and John Grabbe out there who sometimes have suffered a considerable degree of criticism for taking a lot of water. But all they are doing is harvesting water when it is around. They are using pumps for sure, but they are also using diversion of water that has run off and they are putting it to very, very good use. Cubbie Station has 30,000-odd hectares of cotton. That is big time. The employment that that generates is phenomenal. Other smaller places are still producing highly, because they have water security.

I have always dreamt about visiting the Ord. One hears about it and reads about it, but to go there and see the dam, Lake Argyle—

Mr Purcell: You'll have time shortly.

Mr COOPER: I have just had time. I have just been over. I was there in June and July. I had 14 days. That was paid for by me, too. The experience was something else. It was great to see what can be done. Honourable members would be aware that Lake Argyle has a water capacity of about 17 Sydney Harbours. When it is full—and it is rare that it is full—it has a water capacity of up to 54 Sydney Harbours.

Many industries—the gas and oil industries and others—are piping their product all around the country. That can be done with water. Straightaway people will say that that would be too expensive. Everything is always too expensive. That is why those projects are not started. The sums can be done and the load can be shared with the Federal Government, the State Governments, local governments and the producers. Producers are always prepared to chip in, but they cannot being expected to pay for the lot as the end users. This is a water usage issue. If water is in a different part of the nation, then we have to go and get it and bring it across. Plans for pipelines of that dimension do exist. However, everything is based on cost and people will say that the cost is prohibitive. I do not believe that it is. I believe that if one has vision, one can make things happen. It is my belief that if the Israelis had this country, the Simpson Desert would be under broccoli cultivation and just about every other crop one can think of. We do not have the same vision in Australia that the Israelis have shown. Nevertheless, they have shown that it can be done. They use their water smartly. Every drop is precious, and every drop is used to great effect. We must

develop to that degree if we are to make use of the water that we have. I believe that is happening, but it has to be progressed and expedited. Most people I know—and especially those in the bush—do not leave taps dripping. I for one make a special effort to turn taps off completely. We have been taught that from a very young age. A lot of the bathwater was tipped onto the vegetable patch and so on. Some people have been properly trained to look after water.

The member for Gympie mentioned renewable water and Luggage Point, where 160,000 megalitres a year go into Moreton Bay. That sewage is treated to a certain degree. It can be treated to a greater degree and taken to the Lockyer area—where the farmers would have great use for it—and then up to the downs. They are ready and waiting for it. They are prepared to pay for it, as long as assistance is provided from the taxpayer. The taxpayer would receive benefit from greater returns, security of supply, greater productivity, employment and so on. That is a project on which we must focus. Sometimes it is hard to get those projects off the ground. Once they are off the ground, we look back and say that it was worth while.

I know that the Snowy Mountains Scheme is currently experiencing some problems. It must be remembered that we have come through a long, dry period from 1991—when I first went to the downs—until just recently. It has been one long drought. That is most unusual. Those people are not used to that. It shows it can happen. When it happens, that is when the water supplies are tested. That has affected most of eastern Australia, the Snowy Mountains Scheme, the Murray River and the Murray-Darling Basin. One day they will get a flush through. However, we have to learn the lessons of the past. The Snowy Mountains Scheme demonstrated a lot of vision by the Government of the day and produced an extraordinary result. The unfortunate aspect is that the vision stopped there. The Snowy Mountains Authority should have said to those involved in the scheme, "You have finished that project. Now we can move you on and take you over to the Ord and you can do a scheme there and bring water back over to the east where it is needed." That could and should have been done. There are always visionary schemes that can enhance nations and give them pride.

I hope the Melbourne to Darwin railway scheme that Everald Compton is involved in goes ahead. I believe sincerely that it will. All the towns along that route will benefit. The line will shift freight from Melbourne and all points along the route to Darwin and out then to South-East Asia. That project would have a phenomenal effect on those towns, just as the water has done for Dirranbandi. That project would make a phenomenal difference. It will re-ignite rural and regional Australia. People who have such vision should be commended and supported.

The pipeline from Lake Wivenhoe to Atkinson Dam in the Lockyer Valley/Brisbane Valley region does not hold a lot of water. That region has 150 irrigators who do not have water supply security. When this Government was first elected, I raised with it the proposed pipeline. When we were in Government, we did a feasibility study on moving the pipeline from Lake Wivenhoe to Atkinson Dam to give those 150 irrigators, the Buaraba Creek Landcare group, security of supply. It is not a costly exercise. All aspects have been costed. That would enhance security. It is not expansion; it is providing water supply security. The project would ensure productivity. The Lockyer Valley/Brisbane Valley region is extremely productive and needs to be looked after.

Another water supply region that I have had a fair bit to do with is the Great Artesian Basin. That basin should be one of the wonders of the world, because of all it has done for Australia. That very significant water supply was discovered in about the 1850s. We have been using that ever since in the form of bore drains. Bore drains for stock have travelled for thousands of kilometres. It has been realised generally that that was effective at the time and was a good, economical way to get water around properties for watering sheep. It proved to be successful during the good times of the wool industry. They have now fallen on hard times. People have also recognised that the level in the Great Artesian Basin has dropped. That is something that we cannot tolerate any longer. Some time ago a scheme was introduced with the Federal Government, State Government and landowners chipping in certain percentages of the required funding to cap those bores and to utilise polythene pipe. That has been done in some areas.

Mr Welford: It is still going.

Mr COOPER: That is right. The only reason it did not gain momentum is that whoever was in power—whether it be at a State or Federal level—cut the funding, which made it very difficult for that scheme to progress. The scheme is in place and must be progressed. The only way to do that is to

expedite that funding, so that we can bring the Great Artesian Basin under control and try to return it to its original level. I first heard of that scheme 15 or more years ago. At that time, the projection was to have the Great Artesian Basin levelled off—not reducing—by the year 2000. That goal has not been reached. In that time, the project was not progressed. The scheme must proceed so we can get that Great Artesian Basin back to a decent level. It is wasteful for its water to go into bore drains. It has served its purpose. We appreciate that. It opened up a large part of Australia for our pastoral industry. It has done its job. Now it is time to get back to again looking after every precious drop.

I pay credit to Greg Banff in the Brisbane Valley/Lockyer Valley area, because he is the one who has been progressing the concept of the water pipeline from Lake Wivenhoe to Atkinson Dam. Recently I have taken that up again with the Deputy Premier. I believe that if one continues to be persistent and demonstrates that the plans that are being put forward are sensible and wise, one will get there eventually. It does take time to get those projects going. However, that project is essential for the future, because those people must have security of water supply.

I want to refer to the involvement of private enterprise. All these things do not have to be undertaken by Government, but sometimes Government has to show a lead. Private enterprise needs to be encouraged to take an interest in the provision of irrigation schemes, water supply schemes and conservation schemes. Once the schemes are up and running the productivity aspect will take care of itself. I know the member for Keppel had a lot of experience with a dam at—what is it?

Mr Lester: Fairbairn Dam.

Mr COOPER: Fairbairn Dam, yes. I have been there quite often. That is a classic example of what can be done in a region.

Mr Lester: It cost $23m.

Mr COOPER: That's right.

Mr Lester: It generates about $600m by way of revenue.

Mr COOPER: Revenue and taxation. It was back in the 1970s, was it not?

Mr Lester: It was opened in 1972.

Mr COOPER: That's right. That demonstrates what can happen when money is well spent. The member for Keppel is steeped in the knowledge of the productivity that resulted from that project. The investment in the Fairbairn Dam has been repaid over and over again.

Mr Lester: And it has only got three times the water of Sydney Harbour. Compare that with other dams.

Mr COOPER: The Ord River and so on, yes. That shows that it can be done. We cannot grow as a nation without water. We need to progress the Nathan dam and other dams in order to ensure our future. That is our job as parliamentarians. We must ensure that the WAMPs and the necessary environmental impact studies are carried out correctly. We must proceed with these projects. The Federal Government is based in Canberra and we have the Sydney and Melbourne axis. Things seem to be okay in that area, but the rest of the nation, apart from the north-west, is dry. The country's future cannot be assured without a good water supply.

Our methods of irrigation have undergone a change. We have all seen instances where, on a hot and windy day—it might be 45 degrees or 46 degrees—people use irrigators while a howling wind is blowing. The water from the spray is blown away and does not hit the ground. That method of irrigation is not doing any good at all. One would have thought that people would have learned long ago that such methods of irrigation do not work. That simply costs money. Obviously, one has to irrigate at the optimum time in the morning and in the evening.

We have new methods of irrigation where a much smaller amount of water is used. Even in our gardens we should not use sprinklers in the middle of the day, which causes the water to dissipate and be of no use. The new methods of irrigation permit us to use only a small fraction of the amount of water we used in the past. It is vital that we have education, knowledge, expertise and experience in this area, whether we are dealing with tree clearing or water conservation. A lot of people involved in this area have gained expertise over the years and we need to take advantage of their knowledge.

I believe the Minister has received deputations in relation to a dam site on the Fitzroy River near Richmond. I have been to the site. I have also seen what has happened at Dirranbandi. This dam on the Fitzroy River could open up—

Mr Welford: The Flinders.

Mr COOPER: What did I say?

Mr Welford: The Fitzroy.

Mr COOPER: The Minister is right, it is the Flinders River at Richmond. The people

involved have undertaken the necessary studies in relation to this project. A dam could open up the whole area.

Mr Lester: The shire council was told by way of a news item on the ABC—

Mr COOPER: What—that it was not proceeding?

Mr Lester: Yes.

Mr COOPER: I think that is a pity because so much work and effort had been put into that project. The hopes of the local people had been raised when they realised what could be done in the area. We have all seen how dry, arid parts of the State can be brought to life with the provision of water. Before one puts in a dam one must ensure that one has a market. It is pointless producing something if it cannot be sold. This is an area where Government and private enterprise should cooperate. It should be possible to say, "We can build a dam. We can be productive. Our crops and horticulture can be sold." Government and private enterprise must work hand in glove. Former pastoralists who have now become farmers have to have a market in which to sell their product. Everyone must be involved in the marketing process, otherwise the whole scheme will fall to the ground.

Such consideration should not deter us from providing water in an endeavour to open up further parts of the State. Whilst our population is growing, the populations of other countries of the world are also growing. We have Indonesia to our near north which has a couple of hundred million people. We also have Japan and all of South-East Asia. With globalisation, it is difficult to gain a return on investment—

Time expired.

Mr NELSON (Tablelands—IND) (12.06 p.m.): I would like to take this opportunity to speak on the Water Resources Amendment Bill. It would be correct to say that 50% of the work in my electorate is involved with water resources. The Mareeba-Dimbulah irrigation area is an immense project. Anyone who has visited the tablelands could not have missed seeing the channels which come out of Lake Tinaroo and feed an irrigation area which I believe is second to none in Australia, and probably in the southern hemisphere, for diversity of crops.

Opposition members have raised a lot of issues in this debate. I have heard some mention of the tablelands and the MDIA. A lot of irrigators in my electorate have told me that they had never seen so many National Party people on the tablelands until they took the opportunity to vote out the last National Party member. The area is now receiving a whole heap of attention. It is quite interesting to watch the long procession of National Party members coming to the tablelands.

However, the issue remains the same. A lot of the problems could have been solved a long time ago. If one talks to water resources officers, one hears mention of the over-allocation of water from Lake Tinaroo or the under-allocation of water from the lake. A lot of people in my area have spoken to the shadow Minister. He did not mention this in his speech, but I know he received quite an ear-bashing about the issues involved. He was told that these problems should have been solved a long time ago.

I would like to take this opportunity to speak about Nullinga dam. We have a burgeoning sugar industry on the tablelands. We have quite a good mill which was built at considerable expense. The mill is expanding its operations all the time and provides a crushing facility to the people on the Atherton Tablelands. It has been made clear to me that we will not be able to increase our sugar production on the tablelands until we have access to further water. As anyone who has been involved with sugar production would know, sugar takes a fair amount of water, especially in the relatively dry climate of Dimbulah and the Arriga plains. A lot of water is required to get a sugar crop started, and a lot of water is required to maintain the crop.

As I said before, depending upon whom one talks to, Tinaroo Falls Dam is sometimes 100% allocated. However, when the Government wants to have a water auction we find that the dam is not 100% allocated. If the Government wants to make a bit of money it seems to be able to find a bit of extra water from time to time. The point is that if the dam is at capacity—which many people have said is the case—we will need a second storage facility. I know that the member for Barron River has made it clear that such a facility is not only necessary for the Atherton Tablelands and the MDIA, but it is highly necessary for the further growth of Cairns.

When I refer to Cairns, I am basically speaking about the area from Gordonvale north to Port Douglas, which is a region experiencing massive growth. I remember standing at the Kuranda Range lookout and seeing Cairns as a tiny spec among the cane fields. Now the view is all city. Cairns has an international airport and its suburbs spread right up into the Redlynch Valley. As its population increases and the water flow down

the Barron River decreases because, for example, it is being used on cane farms or mango trees, the two uses will be brought into conflict. I believe the time has come to look at a second water storage facility on the tablelands. My plea to the Labor Government and also the Opposition, which might be back in Government soon—my plea to whoever will be in a position to make these decisions in the future—is this: put politics and rhetoric aside and think about a second water storage facility.

For a number of reasons, strong consideration should be given to the Nullinga dam. The Nullinga dam would provide a second storage on a second river. It would not be on the Barron River so cross-flow management and so on would not be an issue. That water storage facility would be on the Walsh River. I have a family connection with the Walsh River. Anyone who knows the Walsh River would know that a series of weirs was in place that slowed the flow so that water could be pumped out. Although I have not seen this for myself, I have been told by a reliable source that some of the weirs have disappeared under silt and can no longer be seen. Six of them cannot be accounted for. Someone has been out there digging around looking for them.

The water flow down the Walsh River was very unreliable. In some years there would be a massive downpour in the mountains in my area of the southern tablelands and the Walsh River would have a good flow. However, the river could go dry for years at a time. A storage facility at the top of the Walsh River would provide farmers with the ability to maintain their watering regimes through the dry season. It would also allow Natural Resources to maintain environmental flows down the Walsh River and keep it clean. At the moment, the river has some problems. People in MDIA have told me that there is a problem with the health of that river and the water flowing down it, which is sometimes black and stinking. There are a lot of reasons for that, and I will not get into the small town politics of it.

A water storage facility would give Natural Resources the ability to flush the system from time to time, similar to what is done with the Barron River. Another argument for Nullinga would be that, once Nullinga was providing storage for the MDIA, which I am told can be done through gravity feeding, assets would be able to be freed up. Allocations could be taken up from Nullinga and water from Tinaroo could be freed up to provide water to Cairns, for example, as an emergency facility. For instance, the dam might become contaminated and emergency water might be needed down the Barron River. Tinaroo would be able to be used as a water storage facility to cater for the continuing growth of Cairns.

Another point raised with me concerns the development of the Kuranda Range road to Koah. I do not know whether many honourable members are familiar with the area. I am told that Koah is a growth node. I am sure the member for Mulgrave knows where Koah is. At the moment all there is at Koah is a petrol station. I am told that one day soon 20,000-odd people will be living there. That is all well and good. It will mean that my electorate will get a lot smaller. If it does become a growth node, it will certainly be taking its town water supply out of Tinaroo.

Part of the Kuranda Range road development strategy involves boring a tunnel through the range so as to make way for a wonderful four-lane highway. Part of the consideration and planning for that should include where the water for that town will come from, if it goes ahead. Consideration should also be given to the increased growth of Mareeba resulting from the new road link. If the road distance to Cairns were shortened, people would choose to live a country lifestyle over the hectic cosmopolitan lifestyle of Cairns. Therefore, there would be increased water demand on the whole of the tablelands.

There has been an ongoing struggle in my community over Emerald Creek. The Emerald Creek farmers are known far and wide for their incredible fighting abilities. They are a mob of rabblerousers. They were the main body that participated in a protest against DNR on the tablelands. The Emerald Creek farmers are a conglomerate of farmers from Emerald Creek, which is a multicultural area. Just as an aside, I note that one of the young players in the Joeys, Wayne Shroj, comes from Emerald Creek. His father, Max Shroj, is a farmer there. I congratulate him on his excellent effort in the soccer recently.

Under the MDIA, a series of concrete channels carries water to farmers. One such channel goes across Emerald Creek. In north Queensland we have dry and wet seasons; we do not have summer, autumn, winter and spring. It is either raining or not raining. And in Malanda and Topaz it is always raining! In the dry season, water is let out of the channel, it flows down Emerald Creek and the farmers pump it out. There have been ongoing problems with the release of water from the channel into Emerald Creek. One of the big problems—and this goes to the heart of the matter—is that in the wet season Emerald

Creek has a significant natural flow, because it pours with rain in the mountains that directly feed Emerald Creek and the Barron River. The important point to remember is that, although it is raining in the mountains, it might not be raining on the crops. Anyone who comes from north Queensland would know that the mountains draw in the clouds and empty them. That is why we have rainforests such as Gadgarra.

Mr Pearce: Do you think it's got a bit to do with the humidity?

Mr NELSON: Yes, it does have a bit to do with the high humidity coming out of the rainforest and so on. That is what my teachers told me, anyway.

The point is that it can be raining in the mountains but not on the crops. However, a large body of water flows past them and they are talking about taking advantage of that opportunity water. This issue is raised with me constantly. For example, they might be able to pump from it or divert it to on-farm storage facilities. They are saying that the large natural flow is a golden opportunity. The wet season is not always predictable. We might get heavy rain in November and then it might be dry for a couple of weeks before the next big drop which continues through to March. There is a golden opportunity for them to top up large on-farm storage facilities or a group facility. For example, the Emerald Creek farmers might allot a block of land for a large storage facility of, say, 100 megalitres. Water from the river could flow into the storage and that opportunity water could then be pumped out.

People making representations to me, not only farmers but people in the know, such as water resource managers, have said that that is a pretty good idea. That is also my belief. We should be looking into whether that is viable and whether it is another way of increasing the overall capacity of the MDIA to provide water. As I said, this is very important. The products that come out of the MDIA—mangoes, lychees, sugarcane and tobacco—generate wealth for Mareeba and the whole Cairns region. During picking season, a lot of people from Cairns take holidays from their normal jobs and pick in Mareeba. As I said, water is a huge issue in my electorate to people such as those in the Upper Barron area, behind Tinaroo dam, and in the Wet Tropics area.

That brings me to the ongoing struggle over WAMP. I hear that this issue has been going on for two years. I have been in Parliament for only 18 months, which means that this started before the Beattie Government came to power. It could have been set up so that it did not stretch on for this long and become an ongoing and laborious process in respect of which there was much uncertainty until it was finalised. In relation to the subject of property rights, I point out that in the near future I will be attending a number of meetings with the TPIF, or the Tablelands Primary Industry Forum, to discuss the whole concept of water ownership and water rights, that is, what is actually owned when a water allocation is paid for and what guarantees there are. I know that this is all tied up with the WAMP process.

For example, the Tinaroo dam fell to 27% capacity. I clearly remember it. An old bridge which used to link Bore Pocket Road with the Gillies Highway had been flooded since the dam was built. The dam was so low that the bridge was visible and we could see where the old town used to be. When the dam dropped to that capacity, the flow-on effects throughout the MDIA were horrific. There was no secondary storage facility. There was argument at that time as to what would happen to the rights over that water. Apparently WAMP was set up to address those sorts of issues. I will be taking an interest in that matter.

The allocation process has also been mentioned. It has been argued that the allocations made at Tinaroo were unfair because established farmers did not get the access to the allocation that they needed at the time. They did not know that there was going to be a water option process in the near future. When the actual process occurred, these farmers bought the water that they needed at the time, and perhaps a little extra, only to learn that if they wanted more water in the future they had to take part in an auction process like everybody else. That auction process basically pits farmer against farmer and drives the price of water through the roof. Let us face it: it is revenue raising.

An important point was made by some members of the Opposition in relation to the cost of dams. I do not have the exact figures to hand, but I think Tinaroo dam cost tens of millions of dollars when it was built in 1952. In today's terms, that is chickenfeed. That dam has well and truly paid for itself. The cost of maintaining that dam should be covered for the next thousand years simply from payments for water allocations and the wealth generated in the community as a result of it. Despite that, one of the main reasons given for raising money from the water option process is to pay for the upkeep of Tinaroo dam.

I know that the member for Barron River, the member for Mulgrave and other members would have had representations made to them about a second storage facility. Most of the Greenies in my electorate can see a definite need for it and they acknowledge that it is not in an environmentally sensitive area. It is about the only area in the region that is not covered by a Wet Tropics management scheme. It is a highly necessary facility for future growth, especially in the sugar industry, which brings me to my next point. As sugar land becomes unavailable on the coast and in the coastal regions, as we are seeing at the moment, that sugar production has to go somewhere. The most convenient place for it to go is, of course, the tablelands. There are thousands of hectares of land in the region designated as farming land which could easily be changed over to sugar production. All that is needed is that water storage facility.

Basically, the whole argument is going to please the environmental lobbies because we are giving them an environmental flow down the Walsh River. We are giving them the opportunity to reclaim coastal land and restore it to its original state. I personally think that coastal land should not be farmed as much as it is because coastal land is a very fragile environment, especially in north Queensland with the Barrier Reef. This storage facility would give the tablelands the ability to sustain growth and to plan adequately for its future role as a major sugar production area.

In summary, tablelanders can see the need to manage their water effectively. They always have. They want to be a part of the consultation process to make sure that things are done properly. I implore the Minister to give consideration to the tablelands region in relation to this issue. He has had his disagreements with me in the past and he has certainly had his disagreements with the tablelands farmers in the past, but they are willing to work with the Government as long as they see that it is a two-way street. The TPIF are going to have a series of meetings to talk about future strategies. I will be attending those meetings, and I will be sure to keep the Minister informed of progress.

I plan to incorporate this in a private member's Bill. Perhaps it will not come to that. Maybe something else can be done about it. It is certainly an issue that needs to be recognised for many reasons, and most of them are non-political. As I have said, I no longer represent a political organisation. I represent the Tablelands Primary Industry Forum, the farmers groups and the people who live on the tablelands, who have raised this issue with me.

Mrs PRATT (Barambah—IND) (12.25 p.m.): In rising to speak to the Water Resources Amendment Bill, I begin by acknowledging that there would not be a person in this House who does not realise just how important water is. The very first lesson that we learnt at school was that Australia is the driest continent on earth. I grew up in a rural environment. I still live in a rural environment. Water is the most precious thing to rural people. It could be said that the most valuable thing a rural Queenslander can have is a washer for the pump, a washer for the taps and a washer for the hoses. I remember vividly the very first flogging I ever got—and it was a flogging! When I was six and a half years old, I left the tap on at the dairy during a drought. That was a big no-no. I will never forget the flogging that I got.

Dr Prenzler interjected.

Mrs PRATT: I have probably deserved a lot more over the years, too. But it was a very valuable lesson. My father rammed it into me that we must preserve water at all times. Assured water supplies are critical to the development of all communities, industry and farming. It is a magnet to any area. If there is water, people are safe; they can survive. Water guarantees a quality of lifestyle. It guarantees crops. It guarantees survival of towns, communities and everything that we hold dear.

There are many conflicting views on the best possible solution to the water resource issue. Some people say that we should conserve it to the nth degree. Some people say that we should store it in dams. Some people say that we should build tunnels so that water can be fed backwards into the interior. Others say that we should build the Nathan dam. Whether these schemes are real possibilities or just pipedreams, only time will tell. But one thing is obvious: a reliable water supply is essential to everybody. The construction of the Nathan dam is very important in terms of the creation of jobs. It is critical to the growing of crops. It is critical to the opening up of central Queensland. I find it very difficult to understand why the Government treats the Nathan dam project as a joke, as it did last night. It is a huge project. It will have a tremendous effect on the area. Some people will be affected in a positive way; for others it will be a bad thing. However, there are times when we have to balance the good of the majority against the disadvantage to a minority.

The Boondooma Dam and the Bjelke-Petersen Dam are situated in my area. These dams are real tourist attractions. They attract fishermen. The dams do get restocked, but one of the problems with the restocking of the dams is that fish migration is hindered by an insufficient number of fish ladders, or no fish ladders at all. When we are building dams, we must ensure the preservation of wildlife. Without sufficient fish ladders, the fish cannot quite make it. This in turn threatens fish numbers.

Unfortunately, when it comes to building dams or other big projects, it seems that Governments are afraid to take the bit between their teeth and go ahead with it. I do not know whether they are thinking of their short-term popularity, whether they are just too scared or whether they do not have any vision. One of the biggest problems in this country at the moment is that people do not have vision. They are looking for short-term solutions to everything. They rush in and make decisions and further down the track we are left to wonder whether those decisions were made for the benefit of all or just a whim.

As I said before, water restrictions are a way of life for most people in Australia. I do think there would be a person west of the ranges who does not conserve and manage water to the best of their ability. I can remember Kingaroy being subjected to incredibly tight water restrictions during a drought quite a few years ago. It got to the point where the council encouraged people to use their grey water, which was quite unheard of at the time. In some areas people were washing up in literally a cupful of water. It sounds almost impossible, but it can be done. Water was recycled in ways never used before.

Water infrastructure is not cheap, but with reliable water supply crops are guaranteed, resulting in permanent markets, which is something everybody wants, especially in rural Queensland. Unreliable crops, unreliable markets and having to live year to year are banes of the existence of most people out west. With long-term markets, producers can have prices locked in for three to four years. They can plan ahead to a certain degree and count on a certain lifestyle.

People who live in relatively close proximity to rivers often build big ring tanks in order to conduct water harvesting, but they cost megabucks. In the cotton areas around St George and further west, these big ring tanks at times cover hundreds of acres of ground. This is an area of great contention with a lot of people, especially those on the green and not the cropping side of the issue.

Water also allows for diversification of crops. Irrigated cotton has become a major crop in Barambah, especially in the areas of Murgon, Byee and Redlands. Dryland cotton has been grown before, but the irrigated cotton crops are expanding over vast areas.

Once, Kingaroy was really only known for three things, peanuts being the main one. That crop is also under threat with the importation of peanuts with higher levels of cadmium. These were once solely dryland peanuts, but irrigation is starting to become more widely used. The second thing the area was known for is navy beans. Those not familiar with navy beans should just think baked beans. We have the greatest supply in Australia. We send them to New Zealand and other places. The third thing we were known for is Lady Flo's pumpkin scones. A lot of water is needed even for pumpkins.

I have often said that Kingaroy and the South Burnett are my idea of heaven. With adequate water facilities, it could also be the Garden of Eden of Queensland. Many crops are establishing in the area. We are the second largest stone fruit producing area in Queensland. Avocados are another emerging industry. We have the largest supply of wine grapes in Queensland. We have beautiful vineyards and wineries. I had planned to bring a few bottles of wine to show everybody and to share them around, but I know that members will get enough Christmas spirit in a few weeks' time. We have lovely wines and beautiful wineries around the place. Anyone who comes to the area should look at not only the water sports, fishing and so on but also our grapes and wines. I guarantee that anyone who does that will keep coming back.

Stuart Range Winery, situated in Kingaroy, has won several medals this year, as have Barambah Ridge, Rimfire and Cranes. We also have others. I would like to see local wines stocked at Parliament House. I have not seen a bottle here yet.

Barambah also has soya beans, mung beans, navy beans, wheat, lucerne and olives. Our olive industry is currently the second largest in Queensland. Silver perch and red claw are other alternative industries. We are also the largest supplier of duboisia in the world. It needs water, of course, but as yet it is not irrigated. The wildflower industry is an alternative offered to people involved in the timber industry. There are so many crops in the region. With the Nathan dam and an adequate water supply, this region could be a

veritable Garden of Eden. I think the whole of Australia could be if we managed water properly.

The Bjelke-Petersen Dam is in my area. Water opens up tourism, which seems to be an alternative to "real work", as in manual labour on properties and so on. People are turning to host farms and so on. We also need water if we resort to tourism, as everyone keeps telling us to. Water is very important to everybody. I think members know that, but I will give an example of how we are held to ransom by our need for water.

Mr Reeves: It is very important. If we do not drink water we die.

Mrs PRATT: Exactly.

Mr DEPUTY SPEAKER (Mr D'Arcy)**:** Order! As a Temporary Chairman, the member for Mansfield should know that he should interject from his allocated seat. Also, I want to hear the member for Barambah and I would prefer to hear her in silence.

Mrs PRATT: A prime example of how we are held to ransom by our need for water occurred in 1994, when the worst drought this century sapped the water supply for the Tarong Power Station to dangerously low levels. Mr McGrady will verify this. Water is necessary for the steam turbines. As everyone knows, the drought continued and a pipeline was proposed, not only to meet the power station's need for water but also to give a lot of the farmers along the way some access to it.

This pipeline from Wivenhoe was to be 75 kilometres long. It became a reality. It was a fair old feat, because water actually had to be lifted over the Blackbutt and Cooyar Ranges. It was essential because 40% of the State's power supply was jeopardised. This water pipeline was the only guarantee of that supply continuing. As I said, there were plenty of spin-offs. Approximately 100 property owners along the route would have had access to it. The water pipeline is still there and it is just sitting there. The day the Minister pushed the computer mouse button to launch a torrent of water 30 metres high, the sky actually opened up. It was a beautiful thing. Not only did we finally get some water; it was coming from all directions.

This water pipeline stands ready for use at any time. At the time it was proposed to be constructed it was estimated to cost approximately $80m. There is a perfect opportunity to utilise this pipeline and to ensure the safety of the Brisbane water supply—even though the Minister says it is not unsafe, there are still a lot of people with doubt—by locating the gas units proposed for Wivenhoe at the Tarong site.

When the Government lifts a drought declaration from properties, it does not actually rain dollars on farms. Those people suffer for up to four years after. I know I digress a little, but I think Parliament should be aware that there are a lot of people in the Miles area who are still suffering severe effects from the drought. People are still donating food and so on to be freighted out there.

During the drought, freight was free, and people could send out cartons and cartons of goods to aid those people. When the drought was lifted, the freight subsidy on those goods was removed. That made it very difficult for many charitable organisations and people who wanted to help by sending goods out there. So I ask the Transport Minister to at least look into that to see if he cannot help them in some way, preferably before Christmas, because there are people who want to send cartons out there and it would be nice if they could get there before Christmas.

It is necessary to concentrate on water, because we have to preserve the purity of water in any way possible without damaging the surroundings, the wildlife and, technically, without killing the river. It is not something that can be rushed into, but it is an important issue, and it is growing daily in importance. Our population is growing. We are getting a lot of migrants—both illegal and legal—and this will continue. Australia is a growing country.

I also ask that the Nathan dam project be given further consideration. It seems to have been shelved or put on the backburner, where it is fading away. I ask that it be considered seriously. I know that some people will not benefit but will actually lose a lot if it is built, but perhaps the needs of the majority far outweigh those of the minority. Whether we need water for residential, farming or other purposes, this issue needs to be addressed, but it will not be easy.

Dr KINGSTON (Maryborough—IND) (12.42 p.m.): I am grateful for the opportunity to speak about this continental nation of ours and water. We are the only nation in the world to totally occupy a large continent, but this continental nation of ours is the driest continent in the world. In that context, I want to introduce the thought of world responsibility into this debate. Why is Australia targeted by boat people? Sure, they are trying to escape unfortunate political circumstances, but they are also looking for a better lifestyle.

If one works in any country in Asia, one finds that all the people who live at

subsistence level regard Australia as a very wealthy country—in fact, paradise. If one works with subsistence farmers, one discovers that they cannot afford to try to maximise crop yields per hectare. Food insecurity on a daily basis makes them risk minimisers. They have to think about food on their plates tomorrow. Try telling a subsistence farmer to eat some of his chickens and not just their eggs as that will cause his chickens to produce more protein for his family per year. Initially, he will think that you are mad to ask him to eat his productive capital reserves.

Currently, partly due to the collapse of the command economies and partly due to globalisation, the worst ever global food security problem is now with us. Food reserves are at an all-time low. Land and water constraints in developing nations and irrigated cropping inefficiency are major hurdles to increased food production in those countries. One might ask: why did the green revolution, which was hailed as the cure for world food insecurity, collapse? It collapsed because it required inputs of improved seeds and fertilisers. It exposed those subsistence farmers to increased expenditure and risk, and they are forced to be risk minimisers. It was an incompatible strategy.

Do we in Australia, living in relative but declining luxury, have any obligation to the millions living within the crippling constraints of a subsistence economy? I think we do, even if our motivation is merely selfish self-defence. Australia is a very old, very weathered, very dry continent with a predominance of weathered, fragile soils. We are also a very urbanised continent wherein most of our population hug the eastern shoreline. But make no mistake, given reliable and adequate water the great majority of our soils are productive.

Debate concerning the correct human stocking rate for Australia has been going on for some years and, currently, the consensus seems to be around 24 million. The World Bank admits that it has always been difficult to justify large dams and irrigation schemes on purely economic terms, but not on social welfare terms. Currently, we are in the midst of an economic rationalist era, so dams and irrigation schemes are less likely to receive official approval.

Currently in Australia, we have less than 100,000 farming families occupying the majority of this vast continent. What do members think the occupants of countries with extreme human population densities of subsistence farmers think? They do not realise that the red centre is very inhospitable. Does this House think that the poorer, less educated populations of the world are going to let us get away with what they see as non-maximal utilisation of our land resource forever? I think not! Their view of Australia is akin to that of Banjo Paterson, who wrote in Clancy of the Overflow—

> "And the bush has friends to meet him, and their kindly voices greet him
>
> In the murmur of the breezes and the river on its bars,
>
> And he sees the vision splendid of the sunlit plains extended ..."

They have not heard William H. Ogilvie, who wrote—

> "My road is fenced with the bleached, white bones
>
> And strewn with the blind, white sand,
>
> Beside me a suffering, dumb world moans
>
> On the breast of a lonely land."

Or Henry Lawson, who wrote—

> "Inch by inch with the weary load;
>
> And by the power of the greenhide goad
>
> The distant goal is won."

What they visualise is Henry Vance Palmer's superstitious boyhood recollections of his playground near Bundaberg. He said—

> "Well we knew that evil pool, hidden deep in darkest scrub, prickly thorn and poisonous scrub hemmed it round, and foliage cool met and formed a covert high, shutting out the flaming sky."

Currently, all development proposals are subject to rigorous environmental impact considerations. That is what should happen. Peter Christoff, of the Politics Department at the University of Melbourne, was quoted at a conference titled Water Beyond 2000 convened in Emerald in 1996. It was attended by the then bearded former Minister for Tourism, Small Business and Industry. He said—

> "What has been the price of converting nature into future wealth? Why should we care? There is, of course, a fundamentally selfish answer. We depend on biological diversity for food and fibre, medicine and other materials for human use. It provides us with our most basic needs such as clean air and water. In equally important ways nature offers spiritual sustenance."

I do not have a problem with that statement, as it is prefaced by the word "selfish". Such thoughts are a luxury which millions of people in the world cannot afford even as a thought, let alone experience. I invite members to think about the air quality in the cities of India and industrial Russia and industrial China.

The pursuit of biodiversity is justified, but my memory is indelibly imprinted by the experience of taking a member of the Small Carnivore Preservation Society around Laos. She had a book full of beautiful photos of the felines that should have been there. But as we spoke to subsistence farmers in village after village and showed them the photos, she received only one answer: "Gin mot, gin mot", which means, "We've eaten them all already." I ask the House: can we, who get three very good meals a day, criticise those villagers? I gratefully ate uncooked monkey minced by an AK47 on one trip in Laos when we had not had any food for two days.

At the same conference in Emerald, John Rolfe spoke about the diametrically opposed attitudes of the public to water development projects. He spoke very logically about the difficulty of reconciling the extreme views of what he called the "deep greens" with those of the potential consumers. Whilst not degrading the importance of serious environmental considerations, he pointed out that the arguments of the extreme environmental groups do not provide a very realistic blueprint for resource allocations of society. The main power of the environmental groups is to change public opinion rather than to provide alternative decision rationales. As well, the "development at all costs" lobby has little role to play in the overall decision making process. Thanks to both of these groups, there is now a general awareness and sympathy for environmental causes within the general public.

But people tend to structure their preferences for environmental issues in a hierarchical manner. For example, people view Australian environmental issues more intensely than overseas ones because of factors such as familiarity and responsibility. So what if our polluting industries are shifted to India and the inhabitants of India have to put up with the effluent! When people are given enough information, they are willing to make trade-offs with environmental issues. In personal terms this generally means that a loss of environmental assets needs to be compensated by an improvement in income or living conditions. I invite this House to translate that Australian willingness to make trade-offs with the attitude in developing countries.

Respectfully, I suggest that people in developing countries with an annual food deficit regard our underutilisation of our natural resources as being globally irresponsible. In the past, we have undoubtedly made mistakes. Environmental flows have been neglected, fish ladders have been inappropriate for Australian native species, and rivers such as the Dawson have been seriously overcommitted for irrigation. I am speaking from experience regarding this. I did a series of environmental impact studies to protect the Dawson River and other central Queensland rivers from the potential impacts of coalmines and other developments such as the Abbot Point coal loading facility. I have also done fish population and water health studies on every river from Rockhampton to Broome, including the Lake Eyre and Carnarvon systems, and there are causes for concern.

However, leading world scientists are now starting to ask if water should be regarded firstly as a food. They are already saying that water should be regarded as a common asset in the way that the grazing rights to the commons in the old villages existed. Even in my electorate it is becoming increasingly difficult to satisfy the current and future demands on the Mary River. A lot of scattered data on the Mary River exists, and DNR—and I hope the Minister is listening—has told me that currently it is trying to collate the existing data into a readily usable format. Currently CSIRO Land and Water has 98 multidisciplinary scientists eager to come and work on the Mary River. If they can, we will have the data adequate for the making of responsible decisions. Currently we cannot find the funds for that study so we have to continue to remain less than ideally informed.

Mr Pearce: Do you support the WAMP process?

Dr KINGSTON: I do.

The fact that some mistakes have been made is not adequate reason to stall water conservation development, including the WAMP process. We now have a very comprehensive range of decision making tools. These include an optimisation technique for the responsible and equitable use of reservoirs, which is called the stochastic dynamic programming system. This modelling system can calculate environmental flows, it can calculate loss by evaporation and generally result in responsible development and social use of water.

Environmentally sustainable development is now possible. It is defined as development that meets the needs of the present without

compromising the ability of future generations to meet their own needs. This has now been developed into integrated resource management or integrated catchment management. Integrated catchment management is the management of land, water, vegetation and other biological resources on a catchment basis to achieve the sustainable and balanced use of resources. ICM involves the Government and the community working together.

The results of a national review of ICM in Australia revealed some process issues which include lack of coordination, the need to help community catchment groups to mature, confusion between bottom up consultation and community participation and top down policy and Government investment, the lack of integration of economic development with ecological management, and institutional barriers to effective integration.

Previously it has been hard—in fact, impossible—to put a dollar value on the benefits of improving the health of the river system, but lately a growing batch of science, of modelling, has emerged. For instance, in the Mary River we now have the model by which we can put a hard dollar value on the value of clean, healthy estuarine water. Using this model, we can identify the sensitivities and thus prioritise improvement activities. As I see it, most of the technical difficulties to water conservation and, for that matter, irrigation have been removed. We can now make responsible decisions. All we need is the political will.

It is possible to develop a vision splendid for rivers such as the Dawson because we can achieve consensus by utilising our new technologies to develop planning conclusions which are responsible and acceptable to all sectors of the community. In closing, I suggest again that to not develop our water and, thus, our soil resources is now globally irresponsible.

Sitting suspended from 12.58 p.m. to 2.30 p.m.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (2.30 p.m.): As has been said by other speakers today, water is an essential element of any community's existence, let alone survival. In an electorate with a mix of urban, rural and industrial sectors, the demands for water are high. This Bill intends to reconstitute a water board in south-east Queensland. The Gladstone Area Water Board in my electorate needs to be acknowledged for the job it does in supplying domestic and commercial water for our community. Currently it is conducting an environmental impact study of augmentation of the Awoonga Dam. The planning for additional water storage has been in train for a number of years. Six or seven sites were initially investigated, with the current Awoonga Dam proposal having second choice to damming the Calliope. That was later amended and the raising of the Awoonga is now the preferred option.

Irrespective of where the water board is located, there must be recognition of the fact that demand for new water should not be the only criteria for additional dam storage. Consideration should be given to alternate uses of water and the re-use and recycling of water, particularly in industrial areas. As the cost of desalination reduces, the options for desalination—particularly in the coastal regions—should be considered. Consideration should also be given to technological changes to reduce the quantity of water that is necessary in the industrial sector.

The Queensland Cement plant in my electorate changed its technology. It has doubled its capacity and significantly reduced the demand for water in its process. It is hoped by people who live in the Yarwun area that some of the capacity in the pipeline to Queensland Cement can be used as irrigation water for their farms. Their production is restricted by a number of things, but particularly by the lack of a reliable water supply. They have been speaking with a number of Ministers over several years in an attempt to get an irrigation supply at a reasonable cost. They are not asking for irrigation water at no cost; they are just asking for it at a reasonable and affordable cost.

As I said, the Gladstone Area Water board is currently conducting an environmental impact study into the raising of the Awoonga Dam. The dam has served the community very well. However, it has had some disadvantages. One disadvantage is a lack of efficiency in terms of the release of environmental flows. The Boyne River is a prime example of pre-damming and post-damming impacts. Downstream from the dam, the river disappears to almost a puddle. Currently, the structure of the dam does not provide sufficient allowance for the release of good environmental flows. That can be addressed when the dam is raised. It is to be hoped that that will occur and that an obligation will be placed on the water board to ensure that there are sufficient releases to ensure a better life for the river and the river ecosystem. Additionally, no mechanism has been provided for fish ladders on the current dam. It is hoped by many people in the community that that will be

addressed in the structure of the new dam augmentation.

Of primary concern in relation to the raising of the Awoonga Dam is the impact that it will have on the Boyne Valley residents. Many of them feel that their treatment to date has been less than acceptable. I would have to agree that in many instances the representatives of the Gladstone Area Water Board who have interfaced with the community have not treated them with the respect or given them the attention that they deserve. Many feel aggrieved by the attitude of the representatives and by the manner in which land has been purchased. As far as I know, there have been no compulsory acquisitions to date; it has been by negotiation.

In December last year, the water board changed its policy just prior to announcing the preferred option of Awoonga Dam. That change in policy disadvantaged quite a number of people who live in the valley. The board is proposing to have storage agreements with landowners. If landowners are partially inundated in a 1 in 100 year event, it is proposed that under a storage agreement with the water board they will be paid a fee for the use of their land as storage until that water supply diminishes and the land is again released for farming. Those of us who have spent most of our lives in Queensland know that there is no such thing as a 1 in 100 year inundation. Three or four inundations might occur in five years and there will not be another for 100 or 150 years. Those people could be significantly disadvantaged. The purchasing policy of the Gladstone Area Water Board has left several families significantly disadvantaged. The attitude of the water board has been very poor. The McGregors have been treated if not illegally, certainly without any moral regard. There needs to be a review of that situation.

As I said, water is the lifeblood of the community. Water boards similar to the one that is proposed to be reinstituted under the Bill do a magnificent job in supplying water to communities. It is essential in any dealings that these boards have that they remember that they are dealing with people. It is not just a commodity or statistics that they are dealing with; it is human beings. In making decisions regarding water supply, land acquisition for inundation and water pricing, these boards have to remember that people are important.

Mr MALONE (Mirani—NPA) (2.37 p.m.): It is with great pleasure that I rise to speak to the Water Resources Amendment Bill. I think we all realise—and previous speakers have stated it quite categorically—that one of the most important things in our life is the quality and quantity of water. It is probably fair to say that in the next few years wars will not necessarily be fought over land or oil; wars will probably be fought over water.

Most people on this side of the House understand the real impact of either too much water or too little water. In terms of irrigation, particularly in areas throughout Queensland that are productive, the quantity and the quality of water go a long way to ensuring that our producers are productive and that the quality of our produce equals the best in the world. Without planning and real investment in water infrastructure, the ability of Australians—and more particularly Queenslanders—to meet the demands of the world market for good produce and products diminishes as we renege on our investment in infrastructure.

I was quite concerned to read the Minister's second-reading speech. I may be jumping to conclusions unnecessarily, but I will read a small part of it—

> "A minor amendment is also being made to clarify that, under the transitional provisions of the Water Resources Act 1989, areas—other than irrigation or drainage areas—constituted under a repealed Act are to be treated as water supply areas."

I have some concerns about that. I believe that the definition of a "water supply area" may invoke certain restrictions which did not apply in previous times. It has always been part of the Act. I wonder if this is not the thin end of the wedge. I would like the Minister to explain that. We do not need to have something specified in the Act if we are not familiar with it. The Opposition will be asking questions in that area.

From my observations throughout Queensland and Australia it is clear that areas which contain irrigation schemes are wealth areas. That applies to any area in the country—whether it be the Murrumbidgee irrigation scheme, the Emerald scheme, the Ord River scheme or the Burdekin River scheme. Areas which have good irrigation schemes are successful areas which contain viable industries and producers who are able to compete on an equal footing in world markets. This has a flow-on effect. People who are making money pay taxes to the Commonwealth Government. Some of this taxation money comes to the State Government and is used to provide services for those who are less fortunate. It is a wealth-generating system.

The shadow Minister for Natural Resources spoke about the Fairbairn Dam. He mentioned that that scheme has paid for itself many times over. The taxes which have been generated from that project have been used to provide services in many areas of Queensland, namely roads, schools, police stations, more teachers and more police officers. We have to continue developing irrigation schemes. We must do this in order to support our population and remain on the cutting edge in terms of being a country that is worth living in.

The Burdekin Dam is a good example of what can be done with marginal land. Before the dam was put in place the land around Home Hill and Ayr was a grazing area. Cattle died during droughts and, as a result, the cattle industry almost disappeared. In the Bjelke-Petersen era, the then Premier was able to convince the Federal Government to invest fairly substantial amounts of money into building the Burdekin Dam. We saw a marvellous transition occur in an area which was basically alluvial flats. The building of the dam and the introduction of the channels opened up a huge area. This is now one of the biggest cane-growing areas in the State. There is always the concern that water will become too expensive when compared with the return farmers receive for their cane. However, if it were not for the water we would not have the cane. Water is an economic incentive for Queensland. It decentralises investment in the State and it produces taxes which keep the State going. Before the Burdekin Dam was put in place, a farmer would be lucky to run two bandicoots per hectare in the area. A farmer would require thousands of hectares in order to make a living. We now have quite a number of families living off farms of 1,000 acres or less under cane. Fuel suppliers and fertiliser suppliers in those areas are also making good money.

A couple of years ago I inspected the Fairbairn Dam. I second the remarks made by the shadow Minister with regard to it. We all heard stories about Australia's citrus industry going down the tube. It is amazing to see the amount of citrus that is now being grown in the Emerald area. The cotton industry is also well established and is a very profitable industry.

The member for Tablelands spoke about the Tinaroo Dam. It is an old dam, but it is still very productive. If it were not for the Tinaroo Dam, the sugar industry would not be so well established in the local area. The sugar mill which has been built on the tablelands is the first sugar mill to be built in Queensland for 75 years. Even though it is a new generation mill and is only producing juice, it still helps to make the area viable. With the downturn in the tobacco industry, the sugar industry must have been a godsend for the local people.

A number of years ago I was fortunate enough to be able to visit the Ord River scheme in Western Australia. I believe it has to be the epitome of irrigation schemes in Australia. It is a dream situation where a very minor wall—one could almost throw a rock across the opening—was put in place. Construction costs were very low. Depending on whose advice one receives, the dam contains either 50 or 100 times more water than Sydney Harbour.

The surrounding country is quite marginal, but much has been achieved since the construction of the dam. The area now has a viable fishing industry and fishermen travel up to 90 kilometres to their favourite fishing spots. Lake Argyle has fish everywhere. There is also a viable tourist industry on the lake. Tourist boats take people on picnics during the day and on moonlight cruises at night. The lake is quite spectacular at night.

Lake Argyle holds back so much water that water is continually being released through the outlet in order to irrigate the Ord River system. A 30 megawatt hydroelectric plant supplies power to the townships and to the Argyle mine. It is amazing that a dam which did not cost too much is able to generate such resources. I am sure we can do the same thing in other areas of the country.

I was disappointed to learn that the State Government had removed the water development incentive project. That project had the potential to allow private enterprise to build dams independent of the Government schemes. Even though the guidelines were fairly strict with regard to the size of the projects involved, a lot of farmers were keen to be involved. I know many farmers who accessed some of the available funds. The incentive was important in that it took the onus from the Government in relation to building major schemes and allowed private enterprise to build their own schemes and, therefore, assist with the sustainability of the sugar industry, the cotton industry and other industries which rely heavily on water.

I think that it is important for any Government to provide incentives. As I said, I am very disappointed that they were removed. I think that there is an opportunity for this Government to look again at some sort of incentive scheme to encourage farmers who have no access to those Government projects to put their own money towards water infrastructure to make sure that not only they

themselves but also their whole communities become viable again. We often hear the Premier talk about jobs, jobs, jobs. The only way in which we are going to create jobs is to give some sort of incentives to people so that they are interested in actually creating jobs or becoming viable. Some of our small communities are certainly in need of such incentives.

In my own area, there has been talk of two dams being built, the St Helens dam and the Finch Hatton Gorge dam. Before the last election, there was a commitment by the then Labor Opposition that they would not build the Finch Hatton Gorge dam. Of course, my Labor Party opponent, Barry Gomersall, was quite keen to make sure that people knew that the Labor Government was not going to build the Finch Hatton Gorge dam.

Mr Healy: Which party does the Grasshopper belong to these days?

Mr MALONE: I am not quite sure. I think that he might be out on his own now.

Mr Healy: He was cast out, wasn't he?

Mr MALONE: Possibly cast out, yes. However, I think that he is doing some backflips, so one never knows.

Certainly from an environmental point of view, the Finch Hatton Gorge scheme raised some concerns. However, the reality was that the water in the ponded area is nowhere near the national park. There were a lot of dishonest media reports and, unfortunately, the issue was blown out of all proportion. In terms of the aesthetics of the dam, I think that it would have been quite attractive to have a water catchment below a national park with a road around the edge leading into the national park. At the end of the day, when people thought about the big picture, they realised that it would have been quite suitable.

The beauty about the Finch Hatton Gorge dam proposal is that is a very sustainable resource. The amount of rain that falls in that region is quite extensive. The fact of the matter is that, within a few years, Mackay City will be running short of water and dams will need to be built in the Pioneer Valley to supply the extra water. The only other dam site that is available in the Pioneer Valley, apart from those two other dam sites, is the Blacks Creek scheme, which is quite an expensive scheme. The cost of water from that scheme would be so prohibitive that it will probably never be built. However, sooner or later—perhaps in about 10 years or 15 years' time—we will need to be build another dam somewhere just to supply water to Mackay. Sooner or later, somebody has to make the hard decisions and work out where the next dam is going to be located.

In my electorate, the Connors River dam, which is quite a large project, has been talked about. Most members would have heard of the Connors River. It used to close the old highway from Marlborough through to Mackay for many weeks at a time. The name of the dam site is probably not politically correct; it was called the gin sleep dam site. Now it is called the Connors River dam site. It is an excellent dam site, very similar to the Ord River scheme, but on a smaller scale. It is quite a narrow pass between very high hills. The water would back up for about 100 kilometres. So it is quite a large dam and has the potential to irrigate substantial amounts of land and also provide water to the inland mines of Moranbah and possibly Hail Creek.

Last night, another member referred to the Elliott Channel, which is essential in order for Bowen and the surrounding area to grow. One of Bowen's great assets is its very arable land, but one of its disadvantages is its lack of water. Sooner or later, somebody has to make a decision to get water to Bowen. Whether it is through the Urannah dam up on the Broken River or in the Elliott Channel coming down from the Burdekin, sooner or later somebody has to make a decision to do something so that Bowen can go ahead. We hear some impressive speeches by people about how they are going to make Bowen grow. At the end of the day, unless Bowen gets sustainable water, it will never move ahead.

In the few minutes that I have left, I would like to congratulate the water boards that I have in my electorate. The Pioneer Valley water board, under the chairmanship of Eddie Westcott and deputy Andrew Cappello, have worked hard to ensure that the Teemburra Dam system has gone ahead. They have taken a lot of responsibility. It is one of the first water boards to borrow money to put in infrastructure. They have had a huge amount of problems, and still have. They need extra Government resources to overcome some planning and engineering difficulties—and the term is stuff-ups—because the Natural Resources Department in its engineering plans put together poly pipes that were not up to standard and, when the pressure came on, all the fittings blew out. They have had to change all of those virtually at their own cost. I think some litigation is occurring but, at the end of the day, these guys have had to stick their necks out and work hard to make that happen.

Of course, as I commented last night when speaking to somebody else, the problem

with the Eton irrigation scheme is that the bulk water price is increasing and the subsidies that are available are going to impact on the price that is charged to consumers. With the sugar industry going through some tough times, the last thing that we need is for the water price to go up. They are working hard but, unfortunately, there is a lot of uncertainty with the ability of those water boards to deliver. However, I would like to congratulate them on the work that they are doing.

I think that we should link water conservation with incentives. I would be only too happy to work with anybody who could create some sort of incentive for more farmers to get involved in trickle irrigation. We can halve the use of water with trickle irrigation and we can deliver it right to where it is needed. We can make deserts bloom with trickle irrigation. I think that there is a huge opportunity for Governments to get involved and encourage people with more technology and incentives to deliver water right to the plant and make sure that none of it is lost.

Mr HEALY (Toowoomba North—NPA) (2.57 p.m.): In rising to speak to the Water Resources Amendment Bill, in the time allotted to me I would like to expand a little on some issues that were raised last night by my colleague the member for Cunningham during his contribution in this debate and, in particular, to make a few comments about waste water, the provision of waste water and how we utilise waste water. Certainly, the Minister is aware of the issue relating to waste water in the Toowoomba and Darling Downs area. I think that he inherited it from the previous Government. It is a very detailed and involved issue and relates to the waste water that is distributed from the Toowoomba City Council waste water facility, which is the Wetalla waste water facility.

The Toowoomba City Council has been treating its waste water at its existing treatment facilities. That treatment process is split between two plants. There is an old Stage 3 treatment plant, which has a capacity of 7,000 megalitres a year, and a new Stage 4 treatment plant, which has a capacity of 4,300 megalitres a year. Both of those plants operate together. The current total discharge from Wetalla into Gowrie Creek is approximately 8,000 megalitres a year. Both stages of the Wetalla plant are generally meeting the current EPA licence requirements. The fact is that the Stage 3 plant does not remove nutrients but the Stage 4 plant does.

That brings me to the whole argument about the discharge of waste water into our rivers and our creeks. I acknowledge that, in future—and I think that it will happen without doubt in the not-too-distant future or even further on—that there will be increasing pressures on local authorities and the general community in relation to whether or not we continue to pump waste water into our rivers and creeks. Over many years, plenty of technology in relation to the treatment of that waste water has become available. The question must be asked: to what level will the EPA, or whatever other statutory authority or body is put in place in the next 10, 15 or 25 years, increase the requirements on local authorities before they put waste water into creeks?

The Oakey Creek subcatchment is one of 13 subcatchments that make up the Condamine catchment upstream of the confluence between the Condamine River and Myall Creek. Over the last 30 or 40 years, quite a group of farmers who farm along that system, particularly in the Gowrie and Oakey Creeks area, have relied on that waste water for irrigation. In fact, costings indicate that the value of the irrigation and the amount of industry that is created by those farmers is quite significant. Of course, that plays a very significant role in relation to the economy of Toowoomba and the Darling Downs.

To give members a little bit of history, pressure has been put on the Toowoomba City Council to upgrade its waste water facility, and it has already spent a fair bit of money in upgrading the sewage treatment plant. The last upgrade, which was the Stage 4 upgrade, cost about $20m. The actual plant is located in my electorate. I know that it is probably not one of the nicest places to visit, but after one gets over the initial stench and the olfactory glands start to get used to the smell, it is quite an interesting place. In fact, this particular facility—

Mr Lester interjected.

Mr HEALY: Yes, we have. The shadow Minister for Natural Resources has been there. It is an amazing and a very large complex that has won engineering awards for construction. It is almost state-of-the-art treatment of sewage waste. The Toowoomba City Council knows that it has to upgrade its Stage 3 plant. It knows that over the next three, four or five years it has to expend a fair bit of money to upgrade the plant because of the EPA guidelines. That means that it has something of a dilemma.

A couple of years ago, the Millmerran power project was established. Intergen, the developer of the Millmerran power project,

contracted with the Toowoomba City Council for the supply of treated effluent. The contract that was signed with the Toowoomba City Council includes 1,000 megalitres a year from the Stage 3 plant to be supplied by council for Intergen's use at the power station and then 6,000 megalitres a year to be available exclusively for Gowrie Creek and Oakey Creek water users. A balance of treated effluent up to 1,000 megalitres a year may continue to be released into the creek at the council's discretion. If a workable proposal that is satisfactory to council for the 6,000 megalitres per year is not confirmed by the end of March 2000, the council will have to explore other options for reuse or disposal of the effluent.

The Minister has had meetings with groups in the Toowoomba and Darling Downs area on this issue. I must say that the department has been most helpful. Since the time that the member for Warrego was the Minister, the departmental people have been excellent. They have worked through this particular issue as best they can. A report has been released titled the Wetalla Wastewater/Gowrie-Oakey Creek Study Phase 1, which is the first of a couple of reports that have been commissioned. The recommendations that are contained in that report give a fair indication of the complexity of this particular issue. Whilst the report does not come up with a definitive answer to the problem, it outlines in fair detail the issues that both the Toowoomba City Council and the farmers will have to face in the not-too-distant future to get a workable solution.

Quite a few of my colleagues from the area—the member for Toowoomba North, the member for Crows Nest and the member for Cunningham—the shadow Minister and myself have been working with some of the farmers and the Toowoomba City Council to see if we can get some sort of a balance. Things are on the right track with the departmental reports that have been commissioned, because they outline quite clearly the issues and the problems. It comes down to what the Toowoomba City Council wants to do.

The Toowoomba City Council has always argued that the water that it pumps into Gowrie Creek is its water, that the council owns it. I think that that is a fair argument, and it has always been a fair argument. Of course, the riparian use and the as-of-right use of the water have been claimed by the farmers. They say that they should be able to use it. The farmers have argued that they are prepared to pay for the treated water that is released into the system. Suggestions have been made of a charge of anywhere between $25 a megalitre or $50 a megalitre, which may be acceptable.

I note that the member for Crows Nest has just entered the Chamber. I may have forgotten to mention that he has also been involved in the discussions with the various groups to try to sort this problem out.

Mr Lester: He made a very good contribution.

Mr HEALY: I acknowledge that. The member for Crows Nest has played a vital and integral role in bringing together the parties to try to sort out this particular issue.

It is interesting to look at the systems that have worked quite successfully. Later on next week, the member for Keppel and I will travel to South Australia. We have had some discussions with people who are keen for us to look at South Australia's water filtration plant at Bolivar and the Virginia pipeline scheme. This relates to the other issue that has been bubbling along for some time—pardon the pun—which is the proposal to run a pipeline up through the Lockyer Valley and onto the Darling Downs to bring waste water from Brisbane for irrigation. Those are the sorts of proposals that we really have to consider. At the country Cabinet meeting that was held in Toowoomba in May, both the Premier and the Minister suggested that the Government was keen to look at the proposal but, unfortunately, there were no immediate funds available. A suggestion was made that perhaps private sector funding could be used.

The member for Keppel and I are also in consultation with our Federal counterparts because programs such as this one are big picture stuff. They are visionary stuff and one needs funding to get them going. The proposal to run a pipeline from Brisbane to the Lockyer and up onto the Darling downs is big picture, visionary stuff. We need all tiers of Government to get together and talk about the project. A Queensland interdepartmental committee has met to talk about this issue, but we really need to get some runs on the board. We need a combined effort. It is important that we keep the fire burning on this one, because it is an extremely important issue if it means the sustainability of the farming sector on the Darling Downs. We all know that water is a very precious commodity.

As has been mentioned in the Parliament many times—indeed, I recall my colleague the member for Toowoomba South mentioning it many times—Toowoomba is unique. It is one of the few areas in Queensland that has to draw its water supply from below the city. All of the water storages are below the City of

Toowoomba. It is very expensive to draw water from the water storages below the city and, of course, that water then flows out into the system. Even to pump water for domestic use into the city is expensive.

Nevertheless, we need to look at all sorts of proposals. We need to investigate whether waste water can be treated to a level that is acceptable to the community. I know that farmers and consumers believe that they will never consume any sort of product that has been irrigated by waste water. Plenty of studies have been done into this. The farmers along the Gowrie and Oakey Creeks have been using waste water for many years for both domestic purposes and irrigation. They and their farms have played a major role in the economic development of Toowoomba and the Darling Downs.

This issue will not go away. Again, I acknowledge the work done by the Department of Natural Resources in producing the Phase 1—Summary Report. I wish to read into the record some of the issues that have been raised in the report. It is evident that continued discharge of effluent from the Wetalla sewage plant, under the current effluent standards, will impact on Gowrie and Oakey Creeks. That is unacceptable to the EPA. We have to accept that reducing discharge into Gowrie Creek will not return the system to a natural state. However, eliminating effluent discharge is expected to improve the ecological health of the system.

It is argued that there must be some way around it, and it has been suggested that a pipeline could be put in place that farmers could take advantage of for irrigation purposes. Again, that creates a problem in so much as it will automatically reduce the amount of water that flows into the creek. If we were to return a water system to a series of mudflats, that would not be of benefit to anybody. That is another issue that has to be looked at.

There are social and economic impacts. The loss of waste water for irrigation could render many irrigated farms non-viable. A similar effect would be felt if the cost of water from the scheme was too high for some water users. A preferred option canvassed in the report is Option C1. It seems to be the most equitable option and the one most likely to gain acceptance from all of the stakeholders. The report states that in order for Option C1 to be adopted some issues need to be overcome to the satisfaction of all parties. One is the price paid for water discharge to Gowrie Creek. That would need to be sufficient to fund future upgrades to the Stage 4 plant.

Honourable members should remember that future upgrades will be needed by the Toowoomba City Council. It will not upgrade its plants without some sort of assistance from the State or Federal Governments. But it has to do that so it will have to find the money from somewhere. EPA support for continued discharge into Gowrie Creek needs to be confirmed. Council has indicated that it may not guarantee the continued discharge of effluent into the creek. Conditions of supply to the user group, including payment requirements, will need to be defined. A legal mechanism would need to be established for council to sell the water discharged into the creek. Also, the council wants to be able to pass on its legal liability for environmental risk to the user entity. Those are the issues that have been raised in relation to the preferred option.

Further investigation will be required. That will be undertaken as part of Phase 2 of the study, which will confirm the viability of the proposal. Some of the additional investigative measures will include development of the design of the proposed infrastructure to confirm the scope of work and costs, confirmation of equity issues relating to the preferred option, the investigation of salinity, and the preliminary geotechnical work for a storage site. There will need to be storage sites if this option is chosen. There will have to be investigations into who will develop, own and manage the project, and there will need to be an evaluation of financing and cost sharing and all sorts of other investigations. That will all be done in Phase 2.

As I said before, guaranteeing future supplies of water is very important for Toowoomba and the Darling Downs. The question is: what will we do down the track? For example, one issue is the possible increase in total dissolved salts—TDS—in Gowrie Creek. There are other impacts from the continued discharge of reusable water into the creek. As many people would know, the presence of effluent in creek water can have a positive as well as a negative impact for agricultural reuse. The beneficial impacts of effluent include the higher organic load, which is beneficial to soil structure, and the higher nutrient load and, therefore, fertiliser value. But it can also have negative impacts. For example, root zone salinity will increase if the irrigation water has higher TDS than rainwater and there is no significant deep flushing of saline water beyond the root zone. The waste water has a reasonably high sodicity, which may have a long-term effect on soil structure. These are all of the issues that have to be worked through.

Over the past couple of years, many meetings have taken place among the various stakeholders—the Toowoomba City Council, the farmers and the department. I am confident that there will be some resolution to this problem. As I said before, this project is very important, as is the proposal for a pipeline from Brisbane through the Lockyer Valley and on to Toowoomba. Again, that will require support from various levels of Government and also the end users.

In his contribution last night, the member for Cunningham mentioned a favourite subject of his. The member for Cunningham feels passionately about the D'Oliveira methane program. For many years, he has continued to promote the D'Oliveira methane program as an environmentally friendly method of treating some of the waste matter that is generated. He is continuing to talk to Mr D'Oliveira and is trying to encourage other people to take up the issue. It is very difficult to work through all of the various issues that need to be worked through to make this type of concept a reality. These are the sorts of things that we have to be thinking about in the future. The Toowoomba case is probably a test case in relation to what needs to be done not only in the south-east corner but further afield around the State in respect of the future of reusable water. It is an interesting concept. I am sure that in the end there will be, particularly in the Toowoomba area, a result that will benefit all users. I congratulate all of the people who have been involved in the process so far. As I said before, I congratulate also the departmental officers, who have not just swept this issue under the carpet. When we were in Government, they were keen to solve this problem. I hope it will be solved to everybody's benefit.

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (3.17 p.m.): I rise to support the Water Resources Amendment Bill, which seeks to amend the Water Resources Act 1989. The proposed amendments will enable the remaking by one regulation of more than 100 instruments due to expire and the consolidation of existing instruments relating to areas and boards. Water is a precious resource. The Minister's commitment to providing sustainable water resources for this State should be commended. However, as usual, this proposed legislation has given some members opposite the opportunity to speak on any issue other than the amendment Bill.

From reading Hansard, it appears that in my absence from Parliament last night the member for Burnett took the opportunity to take me to task for not yet getting a major water storage in his electorate—a dam that has been needed desperately for all of the 13 years he has been in this House and which he has failed to deliver, even after two and a half years as a senior Minister in the previous Government. But failing to deliver is nothing new to the member for Burnett. I have been asked to get extensions to the Branyan Road State School in his electorate that the school has grown tired of asking for. I have had to take on the task of getting the Burnett Heads boat harbour dredged—again in his electorate and again long overdue. Throughout the drive to get a coal loading port—again in his electorate—the port authority has had absolutely no help whatsoever from the member for Burnett. In fact, I do not believe he has even been to that port other than for social occasions.

Instead of looking after his own electorate, he is next door in the Bundaberg electorate making irresponsible statements, for example that our outpatients clinic is closing; he was totally unaware that a new and larger clinic was already being constructed. The member goes on and on about water programs not being funded when in fact they are. He talks about the Government stalling the Paradise dam project when in fact the planning process put in place when he was in Government clearly shows that the coalition had no intention of making any final decision until June 2001. Opposition members claim daily to be the only ones who care about water infrastructure when in fact they made no decision to proceed with a major storage on the Burnett while they were in Government. I do not believe they made any positive decisions on water infrastructure anywhere in Queensland in their term of office. They have done nothing except make hollow promises. I again say to this House that I am astounded at the hypocrisy of the Opposition to whinge about this Government's handling of water infrastructure when they bungled the Bundaberg irrigation scheme for more than 25 years, leaving us with severe salt water intrusion, a scheme that is struggling and a dam that will not fill.

In his speech last night, the member for Burnett referred to his flight over the river with the member for Keppel. For the information of that member, decisions on sites for major dams just do not get made like that any more. The days have gone when we can fly over a river and say, "Hey, that looks like an okay site to me." Too much has gone wrong in the past. Too many rivers have been ruined and too much of our future is at stake. WAMP

processes now have to be done on every water system before further infrastructure is built. That is commonsense. That is responsible Government.

The member for Burnett also commented that the Paradise dam was a campaign commitment I made prior to my election to this House. For once he has got something right. Indeed, the serious need for water in the Bundaberg region and the fact that the Opposition and the member for Burnett were doing nothing about it were certainly the major reasons for my nomination. If I wanted to emulate Mr Slack's efforts over the past 13 years in this regard, I would still have eleven and a half years to go without having to show any results at all.

While the provision of more available water and a more secure system is imperative to our future growth in Bundaberg, it has to be done right this time. I will continue to work with the Government, the Minister, the department and the water users not just to get a dam but to get a guaranteed supply, a sustainable supply and long-term water security for our future and for future generations.

Most user groups in Bundaberg are aware that this will be the last major storage ever built on the Burnett. If we do not follow the necessary and responsible planning procedures this time, if we make irrational promises just to gain political points or if we end up with another dam that will not fill, then our region will have no future at all. Anyone who can grasp the seriousness of this situation will agree that if it takes a bit longer to get the decision right it will be time well spent and responsibly spent.

The need for extra water storage is paramount to the future of my electorate of Bundaberg. The urgency of our problem is well known by the Minister and the Government, and planning to meet those needs is being afforded a very high priority. The comments of the member for Burnett are the same tired old lines he has been talking ever since he lost his Ministry—cheap political point scoring in a sad attempt to mislead the people of Bundaberg and to undermine the confidence of industry, farmers, regional communities and those who are most vulnerable.

This is my message for the member for Burnett: don't you worry about that water. We now have a can-do Government that is working for the long-term future of this State. As far as the Bundaberg electorate is concerned, we now have a woman on the job. I take the opportunity today to quote—

Mr Cooper interjected.

Mrs NITA CUNNINGHAM: The member should listen. I take this opportunity to quote the Bottom Line in the Courier-Mail of 1 December this year, which I am sure does not apply to all men.

Opposition members interjected.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! I would like to be able to hear this.

Mrs NITA CUNNINGHAM: It quotes a 1960s pop star, Adam Faith, who said—

> "When a decision has to be made, a woman will make it and move on—a man will sit there dribbling, dithering and whingeing."

Mr LESTER: I rise to a point of order. As a man, I am deeply offended by those comments and I wish that they be withdrawn.

Mrs NITA CUNNINGHAM: If the cap fits, perhaps the member should wear it.

Madam DEPUTY SPEAKER: Order! There is no point of order.

Mr LESTER: Now I am serious. Firstly, the cap does not fit. I would like it withdrawn.

Mrs NITA CUNNINGHAM: I withdraw. If the member had waited, I would have gone on to say that, whilst that comment certainly does not fit most of the men in this Parliament, it does indeed fit some. Negativity, particularly prolonged negativity, will not get us that dam. But working hard at the problem will. The people of Bundaberg and the whole Burnett catchment can be assured that it will be this Government that listens to their needs, as it does throughout Queensland on every issue. It will be this Government that will deliver water needs in the best environmentally sustainable and most economically viable way. That is what this Bill is about—maintaining a sustainable water system for Queensland. I have much pleasure in supporting the Bill. Every member of this House should also add their support.

Dr PRENZLER (Lockyer—ONP) (3.25 p.m.): I rise with great pleasure to speak on the Water Resources Amendment Bill 1999. It gives me a great opportunity to put on record the water requirements in my electorate. For regional and rural areas, adequate water resources are essential. Irrigation is the lifeblood of many farmers in my electorate of Lockyer. The agricultural industries throughout the Lockyer electorate include beef production, dairying, pork production, poultry, grain, fodder production such as lucerne, and horticultural industries. The farming activities vary widely from one side of the electorate to the other.

The Boonah shire has a varied cross-section including beef, dairy, pork, poultry and egg production, horticultural crops including carrots, onions, tomatoes, potatoes, pumpkins, beans, peas and grain crops such as barley, wheat, triticale, sorghum, soy bean, etc. The Rosevale area is mainly fodder crops, dairy and beef production. The Laidley and Gatton areas have an intensive horticultural industry with many vegetables grown, particularly members of the brassica family such as cabbages, cauliflowers, etc., onions, potatoes, carrots and many of the salad vegetables such as lettuce and tomatoes. Away from the fertile alluvial plains of the Lockyer Valley, dairy and beef cattle production are the predominant industries.

The Lockyer Valley has been described as one of the most fertile growing areas in Australia. Thus, it is an important production area and adds to the wealth of Queensland and Australia in general. The Lockyer electorate itself is increasingly gaining prominence as a fruit growing area including grapes, stone fruits, mangoes and even the humble olive is grown there now as well.

To maintain such industries in top production, good water resources are essential. Sources of irrigation water vary widely across the electorate, ranging from extraction from creeks, underground supplies from on-farm dams and irrigation from Government owned water supply dams. The Boonah area relies on the Teviot Creek and associated underground aquifers and on-farm dams, including water harvesting dams. The Kalbar area relies mainly on the irrigation water supply of Moogerah Dam and some underground supplies, as well as on-farm dams. The Tarome area relies on the Warrill Creek and underground supplies. The Peak Crossing and Harrisville areas rely on water from the Moogerah Dam system, the Purga Creek system and underground supplies. The Rosevale area relies on the Bremer River and underground supplies. The Laidley area relies on the Laidley Creek and associated underground supplies and, during times of good water supply, irrigation water from Lake Dyer, which is commonly called the Bill Gunn Dam.

The Upper Lockyer areas include Tent Hill, Maa Maa Creek, Flagstone areas and Helidon. Murphy's Creek areas rely on the creek systems including Tent Hill Creek, Maa Maa Creek, Upper Lockyer Creek as well as underground supplies. The Gatton areas rely on waters from the Lockyer Creek, underground supplies, the Crowleyvale water scheme and Lake Clarendon. The Lower Lockyer area relies on waters from Atkinsons Dam, the Lockyer Creek system and underground water supplies.

Over the years a number of recharge weirs have been constructed by the Department of Natural Resources in the Lockyer Creek system to assist in recharging the underground aquifers. The Moogerah Dam is an irrigation and water supply dam supplying water for irrigation purposes throughout the Fassifern Valley area, water to the local townships, the Roadvale water scheme and water to the Swanbank Power Station. During good years, this dam can yield up to 30,000 megalitres of water for irrigation and Swanbank supply. Of this water, Swanbank requires around 7,500 megalitres on an annual basis. As we in this country know, droughts are very common and the water supply to Swanbank is often at the expense of allocations to the irrigation farmers throughout the Fassifern Valley.

A proposed off-stream storage site at the soon depleted Ebenezer open-cut mines would have held around 12,500 megalitres of water. This storage would have supplemented supplies to the Swanbank Power Station, thus reducing requirements from the Moogerah supply and freeing up more water for the irrigators of the Fassifern Valley. Unfortunately, this Government has shelved this project and, because of current backfilling of this mine site, this option now appears doomed. What a waste! The project would have beautified the mine site, increasing the amenities of the growing area of Ebenezer, and would have complemented the refuse fill site that has been proposed by Collex Pty Ltd. More importantly, it would have augmented the supply of water for the Swanbank Power Station.

As this project has been shelved, other ways of ensuring increased water allocations to the farmers of the Warrill and Fassifern Valleys must be investigated to increase farm productivity. Something that could be investigated is the use of recycled or, to use a more user-friendly term, renewed water supplies from the burgeoning sewage waste treatment plants in our cities. Increased storage capacity for the Moogerah Dam or another Upper Warrill Creek dam will also have to be further considered for the Warrill and Fassifern Valleys.

Unfortunately for the Lockyer Valley, only three small dam projects have been built in the area. These are Lake Clarendon dam, which has inherent filling problems, Bill Gunn dam, which is an off-stream storage from Laidley

Creek, and Atkinsons Dam in the Lower Lockyer.

The Bill Gunn dam was developed to increase the capacity of the natural lake called Lake Dyer. It has a storage capacity of some 6,950 megalitres. Because of its small catchment areas, flood flows into Laidley Creek are diverted into the dam to help it fill. This water is then slowly released back into Laidley Creek to feed some 90 farms, consisting of approximately 5,600 hectares. Unfortunately, the Bill Gunn dam has an historical failure to supply water.

The Lake Clarendon dam would store some 24,300 megalitres if it were ever filled. To this day it never has been. Waters from this dam supply what is called the Morton Vale scheme and are released into Lockyer Creek for recharge of ground water through recharge weirs along Lockyer Creek. Unfortunately, Lake Clarendon also has had a history of failure.

Atkinsons Dam has a storage capacity of some 30,400 megalitres. Water from this dam provides irrigation water to some 150 farms or 4,500 hectares in the Lower Lockyer Valley. As the member for Crows Nest would realise, most of that land is in his electorate. Atkinsons Dam, with the water resource system of diversion from the Buaraba Creek and including Brightview and O'Reilly weirs, can yield up to 11,400 megalitres per annum.

A small privately owned scheme called the Crowley Vale scheme exists near Forest Hill in the Lockyer Valley. This scheme is operated by 12 farmers. It started with 15 farmers, but three dropped out. This small dam has a storage facility of only some 350 megalitres. It can only be filled from run-off and pumping from the Laidley Creek during times of flood. In times of drought, this small storage facility has had a history of failure as well.

As members can see, the Lockyer Valley has a water storage problem. The dams that have already been built there are only small and have a poor record of filling and being kept full. The topographical nature of the Lockyer Valley does not lend itself to large water storage construction. This is one of the problems.

As I stated earlier, the Lockyer Valley is classified as one of the most fertile regions for cropping in Australia. The Lockyer Valley is the salad bowl of south-east Queensland, producing supplies of vegetables, fodder crops, cereals and grains and other crops for local, interstate and overseas markets. The majority of crops are grown in the valley's floor, in the rich, fertile alluvial soil where extensive irrigation is practised. Beef production is common on the uplands, which has a much lower carrying capacity. There is also limited dairy and pig production. With current levels of irrigation, the estimated value of crops generated annually in the Lockyer Valley is around $90m.

Of the 20,000 hectares which is actually farmed, approximately 15,000 hectares are irrigated. The total water use for irrigation is estimated to be somewhere between 60,000 and 90,000 megalitres per year, depending on the season. This year the usage would be down. In drier years usage certainly gets up very high. Unfortunately, due to inadequate water supply it is estimated that there is a deficit each year of somewhere between 10,000 and 40,000 megalitres, depending on the season. This estimated shortfall of water supply has resulted in overuse of ground water sources, leading to the degradation of ground water itself.

If adequate water supply could be made available to the Lockyer Valley to provide irrigation water at a competitive price to these farmers, the production of the valley would increase quite remarkably and additional irrigation areas would likely develop. It is estimated that an additional 5,000 hectares could be added to the irrigated areas.

Something that has been mentioned by speakers on both sides of the House is an exciting new scheme for recycled water from the effluence supplies of Brisbane, Ipswich and Logan cities. This proposition has been around for a number of years. This proposal has been dubbed the Lockyer Valley/Moreton Bay renewed water project. The aim of the scheme is to redirect the effluent from the cities of Brisbane, Ipswich and Logan to the Lockyer Valley to supplement water for irrigation in this region.

I take this opportunity to acknowledge the hard work done by John Miles, a Laidley Shire councillor; Andrew Davidson, from the Lockyer Catchment Centre; Bernie Sutton, the mayor of Gatton Shire; Glenys Head, from the Australian irrigators' group; and Bob Drury; from the Department of Natural Resources. They worked hard to get this project off the ground and to gain a number of grants from the Department of Natural Resources for the scoping studies and so on.

This project has already developed past the scoping stages, undertaken by Kinhill Pty Ltd, and is now at the feasibility stage under the guidance of the Department of Natural Resources. The scoping study showed that up to 70,000 megalitres per annum of renewed

water could be pumped back to the Lockyer Valley from the cities. This amount of water would more than make up for the shortfalls that currently exist. The study has been further extended to pump the extra waters to the Darling Downs. This extension of the scoping study occurred under the guidance of Darling Downs 2000.

I believe that the first stage of any such project should be to get the water to the Lockyer Valley. The extension to the Darling Downs should be considered as the second stage of this project if the first stage proves to be a success. I believe it will. There certainly will be enough water for both projects to proceed.

The scoping study showed that the cost of water to the farmers would vary between $130 and $800 a megalitre, depending on the scheme selected, including various cost options. These cost options include the extent of any Government subsidies to the scheme, loan periods for moneys borrowed, other cost sharing arrangements with other users of the water resources and the extent of the contributions of other beneficiaries.

The other beneficiaries are the cities of Ipswich, Logan and Brisbane. The negative effects of the release of large volumes of effluent water to creeks and rivers in the Brisbane area and to Moreton Bay itself are now well documented. If not checked, these negative effects on our water systems will cause major environmental impacts on the ecology of these ecosystems.

The provision of renewed water to the Lockyer Valley is a win-win situation for the water starved farmers, for our food production and, most importantly, for the well-being of the environment in the Brisbane area. The cost of the water to the farmers would mostly be offset by the increased production from their farms due to an assured supply of water. If we get it out there, this water will drought-proof this region.

The use of renewed water for the irrigation of crops used for food purposes has been widely practised for many years in different parts of Australia and overseas. The South Australian Virginia pipeline scheme, which was mentioned by the member for Toowoomba North, currently delivers some 20,000 megalitres per annum to the Virginia area from the Bolivar waste water treatment plant near Adelaide. The water is used for horticultural crops, such as carrots, potatoes, lettuce, cauliflowers, celery, tomatoes, onions and other vegetables. The project involves piping the waste water some 100 kilometres to that irrigation area of some 3,500 hectares.

The water quality after treatment conforms to what is now known as the California Title 22, which renders the water safe to be used for the irrigation of horticultural and vegetable crops. As a matter of fact, when water is treated to that level of clarity and cleanliness, it certainly removes all the bacteria and viruses, the TDS levels certainly drop markedly, and the water is useful for irrigation. As the member for Toowoomba North said, it also has some added fertile effects, such as nitrites. The water quality, after treatment, is of such a high standard that those vegetables are allowed to be eaten raw.

In Queensland, a project that currently exists at Hervey Bay, known as the Eli Creek reuse scheme, provides irrigation water to cane farms in that area. It has certainly increased their productivity.

Mr Schwarten: Three hundred per cent.

Dr PRENZLER: That is right—off the planet! Projects such as these, as well as many overseas, have already proved beyond doubt that such water reuse schemes, under current methods of water treatment, can be very successful. All the health aspects are adequately addressed in the water treatment procedures that have been used in the projects to date. The monetary saving to the three cities involved—Ipswich, Brisbane and Logan—on a per annum basis, without the requirement to proceed to tertiary treatment levels of waste water, would go a long way towards making that a very viable project.

At a recent seminar held on that project at the University of Queensland, Gatton campus, one of the guest speakers was the Lord Mayor of Brisbane, Mr Jim Soorley. He estimated that the Brisbane City Council alone could provide in excess of $200m towards that project over a number of years. He also indicated that the window of opportunity for that project to proceed was imminent, as the city councils have to make decisions and monetary commitments in the near future about upgrading their sewage outlets to tertiary and quaternary standards. The environmental benefits alone make that project a must. It will help to achieve clean waterways and a reinvigorated Moreton Bay.

Other potential projects that could arise from such a scheme—because all of a sudden the dams would not have to be used any more—include the use of current storage dams in the area for other purposes. One scheme that comes to mind, and which has created outrage recently, is the proposal to

build a gas-fired power station on the Wivenhoe Dam, which is the major supplier of drinking water to south-east Queensland cities and towns. I envisage that this renewed water could be used in such a power station and could be built close to such a dam near Lake Clarendon. It would then be able to supply the water necessary for such a power station. The Roma gas pipeline runs nearby, and the power generated could feed directly into the electricity grid via the Springdale substation which already exists. I urge the Minister for State Development and the Minister for Mines and Energy to consider such a proposal.

Finally, I call upon the Minister for Environment and Heritage and Minister for Natural Resources, the Minister for Primary Industries and the Minister for State Development to take a direct involvement in this renewed recycled water project to ensure that it does proceed for the benefit of our farmers and our environment and thus to the benefit of all Queenslanders. I know that, at the moment, an interdepartmental committee is working on it. I know that it has met twice since its formation, that is, since the seminar at Gatton.

The window of opportunity for that project is only very small, but it exists now. If we ignore it, it will be gone forever and we will all be losers. The farmers will be losers, the community will be losers, Brisbane will be a loser, and certainly our waterways and Moreton Bay will be losers. So I urge the Government to consider that project, which has been mentioned today and last night by other members on this side of the House. I realise that it will need a lot of money, but I am sure that, with a lot of hard work and effort, it can be done and that it will become a major infrastructure development for this State.

Mr DALGLEISH (Hervey Bay—ONP) (3.45 p.m.): It is with great pleasure that I rise to speak to this Bill. The Hervey Bay City Council has some of the best water management programs in the State. I commend the council for its professional and innovative view towards water management. But in common with many other communities across the State, we are suffering from a lack of good water. Hervey Bay has a supply of beautifully fresh drinking water that is coming out of the ground. Thousands of megalitres of it are pouring into the ocean. What a waste! By giving the council access to that for water harvesting, we could create jobs and overcome the water problem that has existed in Hervey Bay for many years. I am talking about Fraser Island.

Fraser Island has an endless supply of water pouring into the ocean daily. But through World Heritage listing, we are being blocked from accessing that water. I urge the Minister for Environment to consider seriously the removal of the World Heritage listing of Fraser Island. At the moment the island is under great threat of being removed from the list anyway because of a lack of financial support and management. We should be considering these projects and working together. We can work with the environment. We have proved that in relation to many issues that are raised in this House. But if the Minister wants to deny the people of Hervey Bay quality drinking water, that is his decision. I will do whatever I can to try to achieve what is in the best interests of the Hervey Bay people. The Hervey Bay City Council has approached me in regard to that water supply from Fraser Island. The council is currently accessing water from various dams. It is currently working on a project to access water from the Mary River. But nothing is as pure and as clean as the water that comes from Fraser Island. So all I can say is: so much for World Heritage listing!

It is pretty obvious to me that the Minister does not have these problems in his own backyard, but Hervey Bay does. We really need some cooperation so that we can access that water. I say to the Minister: give us a corridor so that we can get to it. We do not ask for much, just some clean drinking water.

Mr HEGARTY (Redlands—NPA) (3.47 p.m.): In taking part in the debate on the Water Resources Amendment Bill, I wish to follow the lead of the member for Toowoomba North and the member for Lockyer and speak about the proposed renewed water pipeline from Brisbane and Ipswich and their environs to the Lockyer and possibly the Darling Downs. That waste water would be used to irrigate crops in both of those areas. At present, that valuable resource is pumped into Moreton Bay and wasted. It also pollutes the bay. The eastern boundary of my Redlands electorate is Moreton Bay and I do not believe that the bay should be polluted by sewage water from Brisbane and its environs. I believe that conservationists should be appalled that we waste that valuable resource. It is time that we used that resource. As a member of the Opposition, I offer the Government bipartisan support for the pipeline to the Lockyer Valley.

The piping of waste water for reuse for agricultural purposes is happening in other places in Australia, and the concept is widely used overseas. The Lockyer Valley not only produces the majority of fresh vegetables for south-east Queensland but it also supplies the

export market. If that export market is to grow and produce much-needed dollars for Australia, it will have to be provided with a reliable water supply. Overseas buyers want quality and quantity, and to achieve that a reliable water supply is needed. The underground aquifers supplying the bulk of irrigation water for the Lockyer Valley are being used beyond their safe level. The shortfall of water for irrigation is up to 40,000 megalitres per annum. This is based on current irrigation levels of about 15,000 hectares of farmland. This pipeline would benefit the environment because it would open up the opportunity to encourage value adding industries to the Lockyer and Darling Downs areas and also clean up the bay in my electorate.

Dr Prenzler: Plus another 5,000 hectares of irrigation.

Mr HEGARTY: I take the interjection of the honourable member for Lockyer. That is a valuable contribution, to put the record straight.

On the ABC Landline program a few weeks ago, there was a story of the Bolivar-Virginia pipeline project in South Australia, which has already been mentioned. I have a copy of the video of that program, and I invite any interested members to view it. In fact, it should be compulsory viewing for the sceptics.

In South Australia sewage water from Adelaide is upgraded to just under drinking water standard and piped to the Virginia irrigation area where it is now used to grow all sorts of vegetables. For the past 20 years, many farmers in Virginia have used secondary treated water for many crops, but it had to be used on such crops as capsicums, etc. and the irrigation had to be drip fed. Now that this sewage is being treated in a "daff system", the upgraded water is just under drinking water standard and there are no restrictions. The crops can be irrigated by the sprinkler system and it is used on all crops, as the member for Lockyer mentioned. Carrots, sweet corn, tomatoes and lettuce are now being irrigated with that water.

In common with the pipeline to Lockyer, the idea of the Bolivar-Virginia pipeline was talked about for many years but was always put in the too-hard basket. There was never money to do a feasibility study or some particular bureaucrat did not like the idea because it was not their pet project. Then a couple of years ago the Government decided that the pipeline was a necessity for two main reasons: the Virginia area needed water if it was to remain in business and the people of Adelaide were sick of their gulf being polluted by sewage, which mirrors exactly the situation here in Brisbane. Three years later, on 22 October this year, the Premier of South Australia opened the pipeline.

The suggested pipeline has advantages over a weir or a dam. Dams and weirs are subject to silt build-up, whereas the pipeline is not. Dams and weirs also deprive downstream users of supply and are subject to the effects of drought. They are also designated for a 90% to 95% delivery, whereas the waste water pipeline can deliver 100% absolutely reliable quantity of water. The pipeline can supply a given quantity continuously. It should also be noted that, with the population expansion in Brisbane and the surrounding areas, this waste water supply is expanding as the population increases.

The project to pipe waste water from Brisbane to Lockyer received a Category 1 priority listing from the Water Infrastructure Task Force when the report was presented to the Minister in February 1997. It is interesting that this independent task force received 350 submissions for all sorts of water projects and this project was one of the 16 it gave a high priority. A quarter of a million dollars was set aside for the feasibility study, but to date only a scoping study at a cost of approximately $60,000 has been completed.

According to the Water Infrastructure Task Force report in 1994-95, about 420,000 hectares of land in Queensland was irrigated, which generated 52%, worth $1.2 billion, of the State's crop production. In the renewed water from Brisbane being piped to the Lockyer Valley and possibly the Darling Downs, we have a resource for irrigation twice the combined yield of surface storage and available ground water in the Lockyer Valley. That is a very significant increase. According to the scoping study for DNR, Kinhill said that up to 100,000 megalitres for renewed water could be available to pump to Lockyer. It has been estimated that, if this water was available for the Lockyer Valley/Darling Downs, the increased crop production would be worth about $130m per annum.

On 21 October last, a seminar was organised at Gatton College to impart information about this scheme to anyone who was interested. This low cost seminar was attended by 325 people. That is quite a contrast to the recent Technomart fiasco, which cost a fortune. The speakers covered a wide range of topics. The interstate speakers included Dr David Cunliffe from the South Australia Health Commission. Dr Cunliffe was responsible for signing off on all of the health

issues involved in the Virginia project that I mentioned earlier. Robert Thomas from South Australian Water, who is in charge of all the water, was also a speaker, as was a farmer who was actually using this renewed water source. These people have offered all the information and help that our Government requires. The message from them is: get on with the job; stop talking about it; and use their knowledge, but do not reinvent the wheel.

Dr Prenzler: It was a great seminar, too.

Mr HEGARTY: I have had good feedback from several sources and it was very well received.

Mr Lester: Absolutely!

Mr HEGARTY: I know that the member for Keppel was wholeheartedly involved in the project and supports it.

Other speakers included the Macquarie Bank, which is interested in getting private finance for the project, but it needs a completed feasibility study to be able to get on and sell the project to private funding sources. Euratech, the BOOT operators of the Adelaide scheme, also spoke at the seminar and it is interested in the Lockyer pipeline. Other speakers did talk about the salt problems being experienced in many irrigation areas at present. I understand that, from all the studies done on soils in the Lockyer area, particularly by DNR, provided correct management of this water is put in place, salt inclusion will not be a problem.

I understand that an interdepartmental committee, with the Department of State Development as the lead agency, was set up to look at the economics and other issues of this pipeline. Unfortunately, the people in Lockyer and the Darling Downs feel that everything is moving at a snail's pace. The last I heard was that there were no local people on this committee. I know there is a reference panel at Lockyer, but local representatives should be on this interagency committee.

I say to the responsible Minister: please do not reinvent the wheel; get the information from South Australia; talk to funding experts who could provide private funding from the banking sector; and talk to companies who are interested in being the BOOT operators of such a scheme. As I have just said, the company which is the BOOT operator in the Virginia scheme is interested as well as at least one other company. I also believe that a consortium here in Brisbane is interested. The engineering is possible. The health issues have been covered by South Australia. So now it is time to get off our butts and actually do something.

As was mentioned, the Brisbane City Council is facing a cost of about $200m to upgrade its existing sewerage facilities to comply with the new EPA legislation. At the Gatton seminar, Lord Mayor Jim Soorley pledged this money towards the pipeline instead of spending it on the upgrade. I ask the Minister and the Premier in particular to talk to Lord Mayor Soorley and to Bernie Sutton, the Mayor of Gatton, about this pledge. Lord Mayor Soorley also said that there is only a small window of opportunity available, that is 18 months, and then that opportunity will close. If no decision is made—no commitment—that money will have to be spent by the Brisbane City Council on upgrading its own sewerage facilities.

Dr Prenzler: $200m!

Mr HEGARTY: $200m! We are talking about the Premier asking for $100m from the Federal Government to get on with his vegetation management legislation and here he has $200m being offered to him and he is dragging his feet. Unbelievable!

Another interesting development in South Australia is its pilot system of injecting sewage water into the aquifer system. This is being closely monitored by South Australian Water. I understand that the water used this way is not treated to anywhere near the quality that is used in the Bolivar-Virginia pipeline. Of course, other countries are putting waste water into their aquifers as well. Here I am talking about countries such as Israel. I believe that it is time that Queensland talked to South Australia and formed a close partnership with South Australian Water and Health on sharing knowledge so that the Lockyer pipeline can become a reality and get off to a quick start.

In concluding, I would just like to encourage the Minister to seize this opportunity. There is plenty of information there for him. I know he is aware of it. I just ask him to move quickly on any impediments that he sees at present and perhaps make this a project for the millennium. It could well be his Queensland 2000 project that will get his name into the history books. This would be just the one to achieve that for him. I commend the project to all honourable members and add my support to those members who have electorates in or near, or would be serviced by, such a project.

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (3.59 p.m.), in reply: I thank all members for their participation in what was one of the most scintillating debates I have had the pleasure of

experiencing for a long, long time. It was an outstanding performance by all the Opposition speakers especially, starting with that delightful dance through the issues of water resources led by the able Opposition spokesperson, followed with consummate skill and enthusiasm by at least one dozen other Opposition members who were equally willing to join the fray and mislead us with the same levels of energy. An enormous number of issues were raised.

As honourable members are well aware, the whole issue of management of our water resources is replete with challenges. The variety of issues that members raised indicates the diversity of those challenges. They raised everything from the initiatives raised by the Water Infrastructure Task Force to water on the Atherton Tableland, water on the Darling Downs, waste water reuse on the downs and in Hervey Bay, the potential for impact on the Great Artesian Basin in the west to water on Fraser Island in the east and the pending possibility of conflict—indeed wars—over water. That was raised by a couple of members, because of the reality that the development of our State has now matured to the point where, in many catchments, we are running up against the limits of our natural resources—water being a key and critical component of them.

For the benefit of the House, I will take the opportunity to clarify a number of points in relation to some of the issues raised. The first point to place on the record is a more accurate representation of what the recommendations of the Water Infrastructure Task Force, which was established by and reported in the term of the previous Government, really meant. It is often used as a clarion call for new water infrastructure that a particular item of infrastructure was contemplated in the report of the Water Infrastructure Task Force.

The mere fact that the task force considered a proposal—one of hundreds that were put before it—does not mean that the proposal should, could or is able to go ahead. There is no doubt that, from the comfort of Opposition, members will always grasp at the fact that the task force mentioned, or indeed perhaps even gave a recommendation, in relation to a particular infrastructure proposal, and that somehow that ought to guarantee that the proposal is a fait accompli and that whoever is in Government at the time ought to be allocating money towards it. Honourable members who have ever cared to read the task force report will know that the simple reality is that the task force simply identified in order of priority—out of the many proposals put before it—those that deserved further investigation. That was as far as the task force report went. It identified what it believed to be the proposals based on the submissions put by the many interested local organisations and local governments. Based on the advice then available at the then available level of information that Government possessed, it made a best guess of the priority and order of potential for further infrastructure proposals to be explored.

However, the task force report itself made it very clear that each and every one of those proposals would require varying degrees of further analysis. Indeed, in many of the catchments, it specifically contemplated that a much more thorough assessment of the resource available would be needed in order for any further consideration of those infrastructure proposals to be undertaken—not to mention the need for proper and comprehensive impact assessments to be undertaken in respect of any particular proposals once the catchment resources were better defined. It is important for that to be put on the record so that no-one can continue to mislead either the community or this House about the true import of the Water Infrastructure Task Force report.

In relation to the misinformation peddled repeatedly by members of the Opposition in a coordinated media campaign to the effect that the water infrastructure initiatives of this Government have been stalled or frozen, I point out that this Government is accelerating the assessment of proposals in the Water Infrastructure Task Force report at a rate faster than the previous Government ever did. The previous Government undertook the task force report. There is no doubt about that. I acknowledge the report having been prepared in the course of its term of office, but the fact of the matter is that very little resource assessment had been commenced when the previous Government was in office. Almost no assessment was made, apart from the Comet dam. A very, very rubbery agreement in relation to the SUDAW project had been entered into by the previous Government. As a result, the Comet dam was dispensed with by Minister Springborg—and properly so—because the resource simply did not exist. To lump in alongside the Comet dam projects such as the Finch Hatton Gorge proposal simply is to play political mischief, because the advice I have is that that proposal was equally unsustainable in both economic and environmental terms. That is the clear advice of local officers of the Department of Natural Resources working in that arena.

The fact that a number of the proposals among the wish list of proposals that were raised in the infrastructure task force report have been able to be assessed and discounted at an early stage should not be regarded as an indication that this or the previous Government—given that it dispensed with the Comet dam—was inherently opposed to infrastructure development. It ought to be recognised that all parties when in Government want to encourage development that generates jobs and builds long-term economic security for rural regions. There is no doubt that water is a valuable and critical element in generating economic wealth in rural and regional areas of Queensland. This Government—no less than any other—is anxious to ensure that future proposals for infrastructure are properly planned so that they can be sustained in both economic and environmental terms.

Throughout the State we already have a number of items of infrastructure that were developed either on a whim or a pork-barrel. The Fred Haigh Dam in Bundaberg is a classic example. In terms of a water resource, it has proved ultimately to be next to useless. In terms of a financial investment, it has proved to be a disgraceful squandering of public funds. Our Government is not going to be goaded into haphazard development of infrastructure without the proper preliminary assessment of resources and economics and impose upon Queensland taxpayers in these times of enormous demand on the public revenue and resources of the State. We will not be stampeded into pork-barrelling National Party electorates at the whim of National Party members, such as the member for Callide. They are always happy for a Government to throw public money at their electorate in the hope that they can claim some credit for it.

We are going to do the job properly. We have water allocation management planning occurring in a comprehensive way involving the community in great detail in consultation with all of the major catchments of the State. Those WAMP assessment processes will be streamlined to both improve the technical assessment of water resources as well as the way in which we engage the community in reaching open and accountable decisions about the potential for new water resources in those catchments.

There is a very real risk, as some speakers indicated, that we are already at the limits of the resource in a number of catchments. I think anyone who is honest would recognise that in some catchments the resource has already been over-allocated. That is a cause of conflict. In the St George area at present we have a legacy of mistakes and a legacy of pork-barrelling in the allocation of water resources, and this has resulted in a conflict which no Government has had an easy time in resolving.

We are currently faced with a situation in St George in which the channel irrigators are legitimately concerned at the diminution of the resource that they believed was rightfully theirs when the irrigation scheme was established—through a mistaken assessment, perhaps, of the capacity of the Beardmore Dam, but largely driven by a continuing misallocation of water resources to other users in the catchment at a time when the resource simply could not be regarded as sustainable in the long term.

That is why we need to adopt a responsible and thorough approach to this matter. To give credit where credit is due, the WAMP process in its broad context was carried on by the previous Government after the seeds of it were formulated in the latter part of the Goss Government years. We have learned from the work that has been done up until now in the Fitzroy and the Condamine and emerging WAMP's in other catchments. We need to improve on that process even further and refine the way in which we engage scientific experts and seek and obtain their advice on the technical advisory panels. I am currently directing a review of the way in which we engage the community in the community consultation process through what are known as the community reference panels.

Above all else, the most important element of this process is to ensure that the information we gather is open to the community and that the decision-making bases upon which future assessments of infrastructure potential are made are accountable. I am doing everything in my power to ensure that information is made available to every sector, that all the cards are laid on the table and that there is absolutely no secret about the best scientific advice that is available. In this way the communities themselves can see what the answers are when questions are raised about the potential for future water resources.

I have a number of concerns about the way in which even today—notwithstanding that I have tried to drive more discipline into the process in the past 18 months—we are allocating water resources across the State. I still hold some concerns for the way in which the allocation of licences in the Great Artesian Basin is being undertaken. I am concerned

that we are spending Commonwealth and State Government funds on bore-capping and piping which is yielding substantial water efficiencies and reduced water use in the west, whilst at the same time it appears that we may be continuing to allocate new bore licences in the basin for volumes of water that exceed the amount of water we are saving through the capping and piping system.

That is a recent discovery I have made from reading the reports I sought from the Department of Natural Resources. It is a matter of continuing concern to me that, in a number of catchments and in a number of groundwater areas, we appear to be continuing to allocate resources in a way that results in a net deficiency in the renewable supply of that resource. It is something that we obviously cannot continue to do. It is something that is not sustainable. Sooner or later, unless a Government has the courage to bite the bullet and address the issue of sustainability in an up front, open way with the community, the community will continue to have—justifiably—unrealistic expectations about the capacity of Governments to continue to allocate resources where, in fact, in the long term they do not exist. The long-term consequence of over-allocating resources in an unsustainable way is that we generate economic investment and economic activity in reliance upon a level of resource use which will ultimately collapse. An enormous waste of community collective economic investment and resources will result in those circumstances.

In relation to the water re-use proposal for the Lockyer area and the Darling Downs—this is indeed a visionary opportunity. It is an opportunity that I think any Government worth its salt would seek to harness and make the best efforts to achieve. However, it needs to be recognised that a project of that scale requires a number of fundamental issues to be addressed.

One of those issues is the water quality that is necessary, or acceptable, for use at the tail end of the pipeline. It may or may not be a simple matter of piping the current quality of waste water up to the Lockyer Valley, or anywhere else, and pouring it on to the fields of crops. It is a matter of doing the homework properly instead of jumping in and speaking rhetorically about another Snowy Mountains Scheme in the belief that these things can be done without proper homework.

The other factor that will be fundamental to this is to make a proper assessment of the long-term—that is, the life cycle—costs of the exercise. The Commonwealth, through its current water reform process, requires the States to address all water use issues from the perspective of what is, in effect, full cost recovery. That is certainly the case in respect of surface water. It may well be that the environmental benefits of recycling waste water for use on farm irrigation has a long-term net economic benefit. That homework has to be done because there is no doubt that the proposal in regard to the Lockyer Valley has potential. If the resource that is drawn upon is from waste water sources closer to where the use is to be made of them, taking the water to the downs is more of a challenge in cost terms. That homework also needs to be undertaken.

Nevertheless, our Government has already signalled its very clear commitment to fully exploring the potential for these projects. We think that, if they can be achieved, they will be an outstanding contributor to economic wealth generation in both the Lockyer Valley and the Darling Downs. The economic and environmental factors need to be fully and responsibly addressed. We will be doing that not just behind the closed doors of the bureaucracy, but in the open light of community consultation with local government and community rural industry interests in the Lockyer Valley and on the Darling Downs.

It is very important that those who have done so much work, in a preparatory sense, with the studies and assessments that have been done to date on the technical potential for these projects, are kept engaged on the process and are made aware of the issues that need to be addressed and the criteria for addressing them. In that way, when any future Government is in a position to make a decision to go ahead with it, we know we have the financial resources to do it, we know that the long-term costs of doing it can be met, in a net benefit sense, and we know that the environmental implications—and dare I say the health implications—are properly covered.

There is no particular reason why, in a technical sense, those issues cannot be addressed, but doing the homework to make sure that the project is sustainable will ensure that the long-term benefits of such a project are enduring for the beneficiaries, who will want the water to be a secure source of supply in the decades ahead.

The member for Keppel and other members raised a couple of issues to which I am happy to respond. The member for Keppel referred to a note by the Scrutiny of Legislation Committee in relation to an error in the

Explanatory Notes. The reason for that is that the introduction of this Bill was delayed for some time. In the intervening period, the instruments due to expire on 1 July this year had to be extended and were extended to 30 June next year by a regulation under the Statutory Instruments Act introduced into the House some months ago by the Leader of the House. Of course, that was needed to avoid retrospective legislation, which would have been necessary if the instruments had expired before this Bill could be enacted. The Explanatory Notes were not amended to reflect the fact that that Statutory Instruments Bill was brought into the House and, as I understand it, subsequently passed.

Both the member for Western Downs and the member for Warrego referred to a technical amendment about water areas as identified in the proposed amendments. The amendment is minor and is entirely technical in nature. The reason for it is that, when the legislation was first enacted, the transitional provisions referred to irrigation and drainage areas and clarified that they were to be treated as irrigation and drainage areas under the new Act, that is, when this current Water Resources Act was first introduced. The transitional provisions did not deal with the other areas and clarify how they should be regarded, that is, existing declared areas, when this new Act came into force. So the transitional provisions did not include an amendment, which this legislation now does, to put beyond doubt that, under the new legislation, areas that are not irrigation and drainage areas are to be treated as water supply areas. It is a simple, technical amendment to fill a gap that was not addressed when the Water Resources Act was first enacted.

The other issues raised by members were extremely varied and often not related to the legislation before the House. I thank the members of the Opposition for indicating their support for these amendments, most of which are technical. Before completing what I have to say, I will mention briefly that I will move a couple of amendments in the Committee stage. Again, these amendments are purely technical, except for two, to which I will make particular reference. Those two amendments relate to the powers of the chief executive when a water management plan is being put in place. Section 25H of the Act provides that a draft water management plan, which is proposed to be made, does not need to be advertised if the difference between the draft and the advertised draft merely corrects a minor error, is not a change of substance or is merely a change of expression. At present, the Act provides that whenever there is any change to a water management plan after the draft has been out for public consultation, any change at all requires that it go out for public consultation again. If there is any change arising out of that further public consultation, then it will have to go out for public consultation again. So we could have this never-ending requirement of public consultation with every adjustment to a water management plan, no matter how minor. Clearly, that means that there would be unnecessary delays in finalising plans, particularly in the context that, under the Act, there are limitations on dealing with water licences in the course of the preparation of a water management plan. So the amendment states that, providing there is no substantial change to a draft plan that is put out for public consultation, then it can be finalised without a further round of public consultation.

The second component of the amendments that I will move shortly is in relation to the power of the chief executive under section 44(2) to amend, modify, vary or revoke a term to which a licence is subject, or add a further term to a licence. The chief executive can do this either on the chief executive's own motion or on the basis of an application. The current section 25N prohibits a number of activities relating to a water management plan area from being affected once a public notice is given by the Minister that a water management plan is proposed to be prepared.

In other words, when the Minister gives a public notice that a water management plan is to be prepared for an area, then section 25N prohibits a number of activities, namely, the amendment of a licence under section 45 or other dealings with licences. However, an anomaly that occurred was that amendments under section 44(2) were not caught by that requirement that such amendments not be affected while a water management plan is being put in place. In other words, the kinds of dealings under section 45, section 43 and elsewhere that were prevented from occurring while a water management plan was being prepared overlooked also requiring that an amendment modification or variance under section 44 should also be precluded while the water management plan is being put in place. My proposed amendment will ensure that there is a consistent application of that principle across all amendments, variations or transfers such as while the water management plan is being prepared licences should not be dealt with in a way that could prejudice the

intent of the plan once it is produced after public consultation.

Subject to that, I understand that the Opposition is supportive of the Bill and amendments. I thank them for their support. I thank all honourable members for their contributions to this debate.

Motion agreed to.

Committee

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) in charge of the Bill.

Clause 1—

Mr LESTER (4.29 p.m.): I really have to ask the Minister why it took until 10 o'clock last night to inform me that there would be some nine amendments moved to this legislation. The Bill has been on the table of the House for a long time. Let us look through the various amendments. New clause 1A provides for the commencement of Section 7A. The insertion of the clause in the Bill ensures that the commencement of amended section 215G of the Water Resources Act 1989 accords with the commencement provisions contained in the South East Queensland Water Board (Reform Facilitation) Act.

Then we go on to other provisions in the Act and the insertion of clause 2A. I will not go through all of that. We have the insertion of new clause 2B. There is quite a lengthy explanation of how that affects other clauses of the Bill. Then we go on to the insertion of new clause 2C, which mirrors the amendment proposed in clause 2B. We have reference to new section 25P(2)(b) and so on. The fifth amendment inserts new clause 2D, which omits section 44(1)(f) from the Act as the provision is considered redundant.

Madam TEMPORARY CHAIRMAN (Ms Nelson-Carr): Order! Could the member explain which clause he is talking to?

Mr LESTER: We are talking about clause 1. I am explaining that we were given late notice that some nine amendments would be moved. That is why I am taking the opportunity to use clause 1 to explain that the Opposition has not had a lot of time to digest these amendments. I believe that the debate on clause 1 is the correct place to raise these issues. I do not propose to take a lot of the time of the Committee. With a Bill such as the Water Resources Amendment Bill, which is important to us all, particularly those of us from the country but also those of us from the city, it is important that we have sufficient time to absorb the effect of all of the clauses.

Madam TEMPORARY CHAIRMAN: Order! Clause 1 is not the appropriate time to discuss this at length. The honourable member has to do that on the relevant clauses. This is just about the title of the Bill.

Mr LESTER: I make that point. That is fine.

Mr SEENEY: I rise to a point of order. I am totally confused. I, too, would like to make some comments about the number of amendments that the Minister has moved. Perhaps, Madam Temporary Chairman, you could explain to the Committee the procedure that you are following because it is very difficult to hear from this part of the Chamber. It is important that we get the opportunity.

Madam TEMPORARY CHAIRMAN: That is not a point of order.

Mr SEENEY: It is important.

Madam TEMPORARY CHAIRMAN: I will respond to that—

Mr SEENEY: It is important that we get the opportunity.

Madam TEMPORARY CHAIRMAN: The honourable member will get the opportunity, but he does it on the relevant clauses. This is the title—

Mr SEENEY: Perhaps you could take a moment or two to explain the procedure and where we are up to.

Madam TEMPORARY CHAIRMAN: The member will resume his seat.

Government members interjected.

Mr Bredhauer: If you want to learn how Parliament works, go and read a book.

Mr SEENEY: I rise to a point of order. I take exception to those remarks.

Madam TEMPORARY CHAIRMAN: Order! The member will resume his seat. I will put the question.

Clause 1, as read, agreed to.

Insertion of new clause—

Mr LESTER (4.35 p.m.): I take this opportunity to say that in the past, whenever we have had a difficulty with the way that the clauses have been prepared or the time that we have been given, we have always had the opportunity to discuss that. We are taking the opportunity, because the Opposition feels that we have not been given time—

Madam TEMPORARY CHAIRMAN: It is very hard to get a message across to the member for Keppel, because he cannot hear

me and I cannot hear him. The member will resume his seat for a moment.

Mr WELFORD: I move amendment No. 1 circulated in my name—

Mr LESTER: I rise to a point of order. Madam Deputy Speaker, you only sat me down because the microphone was not working. You did not gag me. I ask for the opportunity to continue to make my points.

Madam TEMPORARY CHAIRMAN: This amendment inserts a new clause. The member will wait until the Minister moves the amendment. It is just a technicality.

Mr LESTER: I will let him move it.

Mr WELFORD: I move the following amendment—

"At page 4, after line 3—

insert—

'Commencement

'1A.(1) Section 7A commences on the day the South East Queensland Water Board (Reform Facilitation) Act 1999, section 13, commences.

'(2) The remaining provisions commence on assent.'."

Mr LESTER: Firstly, I ask the Minister why he has moved the amendment and why we have come to this situation.

Mr WELFORD: Yesterday, I sat down with the Opposition spokesperson and explained these amendments. As I explained during my second-reading speech, I will move two substantive amendments and a number of other machinery or technical amendments that make no substantive policy change. New clause 1A does exactly as the Opposition spokesperson indicated. It ensures that the amended section 215G of the Water Resources Act, which relates to the establishment of the South East Queensland Water Company and the requirements in relation to the provision of indemnities under that Act, comes into effect at the appropriate time, which is in accordance with the commencement of the other provisions of the South East Queensland Water Board (Reform Facilitation) Act that was previously passed by this Assembly. This amendment corrects an omission in that previous Act.

Mr LESTER: I thank the Minister for that explanation. The point I was making before is that these are important amendments, otherwise they would not be here. This Bill has been on the table for many months. I have to say that the Minister does not hold things back from me. He has been open and honest whenever I have wanted anything. However, it seems as though he did not have the amendments—and I have fairly good proof of this—until very recently. The first question that I have to ask is: is the Minister sure of what he is moving? Has he in any way been snowed by a public servant or various groups? This worries me. If we are to be open and accountable, we should have had the opportunity to meet with officers of the department and have the time to check with our own water advisers, as we did with other parts of the Bill.

The Minister did advise me fairly recently that the Bill would be held up for a few days because certain amendments were not ready. I congratulate him for his honesty. I do not query that. I certainly query the obvious mishmash way that Bills are prepared, although not just by this department. I think that it is fair to say that the Minister for Primary Industries always seems to move a great wad of amendments to his legislation. No doubt the member for Crows Nest can verify that. I might be wrong in that assumption.

Mr Cooper: You are not wrong.

Mr LESTER: I know I am not wrong. I am greatly concerned about this Bill. We are talking about subsections, other Acts that have to be amended, section 44(2) and God knows what else. The explanation that we are being given was probably given to the Minister at the last minute. He was probably briefed only a couple of hours before he briefed me. God bless the Minister; he did the right thing. He briefed me. I believe he is honest. He briefed me in his own way. But a lesser Minister could have put his own spin on it. He might have thought, "Vince is an old baker from Clermont. We'll catch him out." I do not think the Minister has tried to do that.

The Minister has to get out the big stockwhip and sort out a few things in his department. It is clear to me that there is a lot of mismanagement. Alternatively, is it the case that the people advising him really do not know how the people in the bush work and the importance of dams, water flows and so on? From time to time, the Government brings in some extraordinary amendments. That is because Government members suddenly find that the Bill does not work and they think, "Heck, we've got to do something about that", and we see another mishmash. It concerns me that I cannot be sure that all of this Bill is right. My colleagues might have some further comments on that. I go into the debate on the clauses of the Bill extraordinarily disturbed.

Mr SEENEY: I take this opportunity to express my concern about the number of amendments that have been introduced at such a late stage. The Water Resources Amendment Bill 1999 is about two and a half pages long. The amendments that we have been presented with at a late hour are almost as long as the Bill itself. Given that this has been on the Notice Paper for quite some time, it raises the whole question of competence, to which the shadow Minister referred. I am neither as charitable nor as kind of heart as the shadow Minister. I do not think that the Minister for Natural Resources is an honest person. His record is the background against which this has to be seen.

The TEMPORARY CHAIRMAN (Mr Reeves): Order! That is unparliamentary language. I ask the honourable member to withdraw.

Mr SEENEY: Sorry?

The TEMPORARY CHAIRMAN: Order! That is unparliamentary language and I ask the honourable member to withdraw.

Mr SEENEY: What? I am sorry, Mr Temporary Chairman, what would you like me to withdraw?

The TEMPORARY CHAIRMAN: Order! The honourable member has been asked to withdraw.

Mr SEENEY: What?

The TEMPORARY CHAIRMAN: Order!

Mr SEENEY: I will withdraw whatever it is that the Temporary Chairman is asking me to withdraw, although I make the point that I do not know what it is that he is asking me to withdraw.

The TEMPORARY CHAIRMAN: Order! That is a reflection on the Chair. The honourable member has been asked to withdraw the statement that the Minister was not honest. I ruled that that was unparliamentary language. I ask the honourable member to withdraw unequivocally.

Mr SEENEY: Thank you, Mr Temporary Chairman. I withdraw those words. However, I make the point that I do not necessarily agree totally with the comments made in a charitable fashion by the shadow Minister, the member for Keppel.

Mr Lester: I'm a very charitable person.

Mr SEENEY: The honourable member is a very charitable man. I freely admit that I am not as charitable as the member for Keppel; I am a darned site more cynical. I understand the impact that this Minister has had on rural and regional Queensland. I understand and know too well the suspicion and the distrust that the whole of rural and regional Queensland feels towards this Minister. That is the background that this whole piece of legislation has to be seen against.

The TEMPORARY CHAIRMAN: Order! I allowed the member for Keppel a bit of liberty. However, we are talking about the amendment. We are not talking about the legislation as a whole. I ask the honourable member for Callide to speak to the amendment.

Mr SEENEY: Thank you, Mr Temporary Chairman. I am trying to make the point that the amendments that have been placed before us are as big as the Bill. The amendments that have been introduced almost double the size of the original Bill. That has to be seen against the reputation that the Minister responsible for this legislation has generated for himself in rural and regional Queensland. It is almost impossible to understate the suspicion with which rural and regional Queensland regard any piece of legislation that this Minister introduces. Any piece of legislation, no matter how simple or technical, will be regarded with a great deal of suspicion, even when it is done according to the letter of the law. Even when that piece of legislation is absolutely right, it will be regarded with a great deal of suspicion, simply because of the record of this Minister. Today we are considering a group of amendments that, as I said, almost doubles the size of the piece of legislation before the Chamber. That would be extraordinary in respect of legislation under any Minister's portfolio. It is even more extraordinary when those amendments are brought into the Chamber by a Minister who is distrusted and almost hated by the people who are most affected by the—

Government members interjected.

Mr SEENEY: I struggle to exercise my self-restraint, in view of the Temporary Chairman's comments about unparliamentary language. A number of retorts came to mind that I would dearly love to have made in response to the inane and stupid interjection of the Minister for Transport. Day after day he sits opposite and never makes a sensible contribution in this Chamber.

The TEMPORARY CHAIRMAN: Order! The member for Callide will speak to amendment No. 1.

Mr Mickel interjected.

The TEMPORARY CHAIRMAN: Order! The member for Logan will cease interjecting.

The member for Callide will speak to amendment No. 1 circulated in the Minister's name.

Mr SEENEY: I am trying to make a point about the way that this whole exercise should be seen, given that we have been confronted with a whole series of amendments. I am taking the opportunity to do that now, when the first amendment is being considered. I note that the honourable member occupying the chair earlier denied me and the shadow Minister—

The TEMPORARY CHAIRMAN: Order! That is a reflection on the Chair. As has been the case with rulings in the last few sittings of Parliament, honourable members are not allowed to speak to the title of the Bill as though this were a second-reading debate. The contribution has to be relevant to the appropriate clause or amendment. This is my last warning of the member for Callide. We are speaking about amendment No. 1 circulated in the Minister's name. If he does not refer to that amendment, I will have to sit him down.

Mr SEENEY: Thank you, Mr Temporary Chairman.

I make the point that this Chamber should be particularly suspicious of this amendment, because it comes into the Chamber as part of a whole series of amendments that double the size of the piece of legislation that we are considering. The first amendment from the Minister comes into this Chamber against a background of distrust and suspicion that the Minister has generated throughout rural and regional Queensland—a background of distrust and suspicion the likes of which I have never seen in the 25 years I have lived and worked in rural and regional Queensland. This Chamber has to consider this amendment against that background. This Chamber has to be particularly suspicious and careful about not just this amendment but any piece of legislation that this Minister introduces into this Chamber.

We have to be particularly careful and suspicious of any piece of legislation that is brought before the Parliament by a Minister who has displayed a complete arrogance to the portfolio. I would suggest that the fact that we do have to consider such an amendment at this stage is in itself an indication of the arrogance of the Minister and the low level of esteem in which he holds the portfolio that he is meant to administer. I have spoken a number of times in this Chamber about the fact that every time a piece of legislation which deals with resource management is introduced it is dealt with in a "lighthearted, it does not really matter" attitude. With the presentation of this amendment we have another example of exactly that type of attitude.

This legislation has been on the Notice Paper for a long time. I have had a speech written for my contribution to the second-reading debate for weeks and weeks. Yet last night we were presented with a group of amendments, of which this is the first one, which effectively doubles the size of the legislation we are asked to consider. We are presented with those amendments by a Minister who is hated and distrusted by the people who are most affected by the resource management issues that come under his portfolio. Of course we should be concerned, and of course we should be suspicious. Of course we should take every opportunity to explore, to probe, to challenge and to ask why these amendments are being put forward.

Mr Reynolds: You're full of hatred and paranoia.

Mr SEENEY: It does not matter to the member for Townsville. He is a loudmouthed buffoon.

The TEMPORARY CHAIRMAN: Order! Before calling the member for Warrego, I issue a general warning to all honourable members that they should speak to the amendment before the Committee. The amendment that we are presently dealing with is amendment No. 1. That is my final warning on the subject.

Mr HOBBS: I certainly endorse the words that have been said. However, amendment No. 1 deals with commencement. It states—

> "... commences on the day the South East Queensland Water Board (Reform Facilitation) Act 1999 ... commences."

Why that day? Can it be any other day? Does it really have to be that particular day? Why the urgency surrounding this amendment? I would have thought that when the legislation was drafted one of the very first things that would have been considered was when it was going to commence. I find it difficult to understand why an amendment such as this would crop up now. I ask the Minister to respond.

Mr WELFORD: I am more than happy to explain for the benefit of honourable members every one of the four amendments being moved in Committee. There are only four amendments. I am happy to explain each and every one of them one, one at a time, in detail as we come to them.

In response to the member for Warrego in relation to the first amendment—the member asks a legitimate question given that he is not

familiar with the amendment or, presumably, the legislation. The first amendment simply says that section 7A—and I will explain which is section 7A in a moment—commences when the South East Queensland Water Board (Reform Facilitation) Act commences. That was an Act passed earlier this year. That Act provided for the creation of the south-east Queensland water company—converting the South East Queensland Water Board to a water company, a corporation.

Section 7A is being inserted as amendment No. 4 here today. It relates to the provision in the Water Resources Act which says that an official of the board is not liable for damages that arise from the board acting in accordance with its legislative responsibilities. Section 7A—it is amendment No. 4, and we have yet to come to it—simply extends that immunity from liability to the company, because we did not have a company before. This first amendment says that that clause which extends that immunity to the company must commence at the same time as the legislation that creates the company.

Mr LITTLEPROUD: I object to a late proposed amendment to an amendment already in the Bill which amends the Water Resources Act. It is the exception rather than the rule that some sort of amendment has to come forward. It reflects badly on the Minister. I appreciate the process that he has to go through, but I hope that after the comments that have come from this side of the Chamber today the Minister goes back to those people who were part of the process. Those people include staff in his own department and staff of the Parliamentary Counsel.

Mr Seeney interjected.

The TEMPORARY CHAIRMAN: Order! The honourable member is interjecting on a member from his own side.

Mr LITTLEPROUD: All of those people are public servants who are supposed to serve this Parliament. It reflects badly on the Minister. The Minister's own personal staff are a matter for the Minister. However, the message should get back to the Parliamentary Counsel and those people responsible for drawing up legislation in the various departments that this is not the job that is expected of them by the Ministers they are serving and by the Parliament they are serving. The comments coming forward from my colleagues on this side of the Chamber have been drawn out because we have had two or three Bills in relation to which the same thing has happened. I believe that a matter of such a technical nature as this should be picked up when people are revising clause 1 and presenting it to the Minister in the first place, before he takes it to Cabinet or brings it to the Parliament.

Mr LESTER: These comments are made in a spirit of goodwill. This has happened on a number of occasions in relation to a number of pieces of legislation involving various portfolios. We in the Opposition believe that we deserve better. With all the goodwill in the world, clauses such as these do require a little study. We have to work out what the bottom line is and what the ramifications are going to be. We continually get phone calls from people wanting us to explain what is going on in regard to certain legislation. Late last night one would have thought it was safe to assume that the Bill was roughly right the way it was, but then at 10 o'clock or thereabouts we were presented with these four amendments.

We should resolve that this will not happen again and inform the people responsible for causing the problem. We should not have to be debating this issue now. It should not have arisen. We should be talking about the real issue, that is, ensuring the best possible use of water resources for the people of this State. Whenever we think we can do something better, we take the opportunity to introduce legislation that will enable that to occur. And if somebody is doing the wrong thing in any shape or form, we have to deal with it.

Mr WELFORD: I should correct a perception by the Opposition spokesperson—not just then, but in his previous comments. He indicated that he only got these amendments at 10.30 last night. That is not true. I sat down with the Opposition spokesperson before this Bill was even debated in the Chamber. I went through the amendments with him and provided him not only with a copy of the amendments but also with a copy of the explanation for those amendments that was provided to me by the department.

It is true that the Bill has been on the table of the Parliament for some months. It is also true that some of these amendments have arisen only recently, very late in the piece—in particular, the substantive amendments which I addressed in the second-reading speech and which are contained in the second amendment. But the rest of the amendments, including the clause that we are currently debating, are purely procedural. I have explained it in the simplest possible terms. Frankly, I apologise if letting the

member know about all of the amendments and the explanation for them prior to the Bill coming on for debate is too late to enable him to discuss them at the Committee stage.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2, as read, agreed to.

Insertion of new clause—

Mr WELFORD (5 p.m.): I move the following amendment—

"At page 4, after line 5—

insert—

'Amendment of s 25H (Draft plan must be readvertised if changed)

'2A. Section 25H—

insert—

'(3) This section does not apply if the difference—

(a) corrects a minor error in the draft plan of which the notice was given; or

(b) is not a change of substance; or

(c) is merely the expression of the draft plan in a way that is different from, and not inconsistent with, the draft plan of which the notice was given.'.

'Amendment of s 25N (Effect of notice under s 25D on applications, agreements, sales, etc.)

'2B. After section 25N(1)(b)—

insert—

'(ba) the chief executive must not deal with an application made under section 44(2) about works, or the taking of water, in the area; and'.

'Amendment of s 25P (Actions must not be inconsistent with water management plan)

'2C. After section 25P(2)(b)—

insert—

'(ba) dealing with an application made under section 44(2) about works, or the taking of water, in the area; or'.

'Amendment of s 44 (Licences)

'2D. Section 44(1)(f)—

omit.

'Amendment of s 46 (Renewal of licence)

'2E.(1) Section 46(1)—

renumber as section 46(1A).

(2) Before section 46(1A), as renumbered—

insert—

'46.(1) A licensee may apply for renewal of the licence.'.

(2) Section 46—

insert—

'(1B) The chief executive may—

(a) grant the application in a way mentioned in subsection (3)(a)(i) or (ii); or

(b) refuse to grant the application.'.'."

Mr LESTER: The Minister said that I should not have reacted in that way. It was about 10 o'clock or just before the debate on the Bill started. The Minister cannot deny that. I might be out by about half an hour. I did give the Minister praise for at least talking to me and explaining it. However, my concern was that these issues should have been discussed with me a lot sooner so that we had the opportunity to get our advisers in and discuss everything. We do not need to get right down to the nitty-gritty and get petty about this at the last moment. I did say that the Minister was trying to do the right thing. The whole thrust of my argument was that we should have been notified earlier, and that the whole jolly show was a shemozzle. As the member for Callide said, the amendments were nearly bigger than the Bill.

There are quite a lot of provisos in this amendment. They take a bit of management and understanding. Once we have had time to digest things, sometimes we can think of something a couple of days later, but that cannot happen if we are told about something at the last minute, as we were last night.

Mr COOPER: I seek some clarification. This amendment is to be inserted after clause 2, which states—

"This Act amends the Water Resources Act 1989."

This amendment involves a pretty big insertion. Therefore, we will have to go through it. Correct me if I am wrong, but is what the Minister is inserting an amendment of section 25H—"Draft plan must be readvertised if changed"—relating to proposed subsections 2A, 2B, 2C, 2D and 2E? If so, that is a fairly substantial amendment.

I take up a point made by the member for Keppel. We have been debating quite a bit of legislation in the past few weeks, from the Sugar Industry Act to the primary producers bodies legislation. That has involved wads of amendments, and it takes time to understand how those amendments actually slot into the legislation. I want to know how these amendments slot into this legislation, because

once we insert something into legislation, it has an effect down the line. So I ask the Minister to explain that to me.

I did not speak to the previous amendment. The Minister mentioned south-east Queensland. When we are changing the South East Queensland Water Board to a company and so on, and in relation to the draft plans for that particular area, for instance, how do these particular amendments affect what occurs from, say, the Wivenhoe Dam, the Atkinson Dam and other irrigation systems throughout the Brisbane Valley and the Lockyer Valley? The amendment states—

> "This section does not apply if the difference—
>
> (a) corrects a minor error in the draft plan of which the notice was given; or
>
> (b) is not a change of substance; or
>
> (c) is merely an expression of the draft plan in a way that is different from, and not inconsistent with, the draft plan of which the notice was given."

What does that actually mean?

In relation to the amendment of section 25N—"Effect of notice under s 25D on applications, agreements, sales, etc."—am I right that this is a whole new section that the Minister is inserting?

Mr Welford: No, it's an amendment to the section.

Mr COOPER: Yes, it is an amendment, but the Minister is inserting a pretty big section 25H.

Mr Welford: I will run through this.

Mr COOPER: Okay. I think we will need that explanation. Clause 2B states—

> "After section 25N(1)(b)—
>
> insert—
>
> 'the chief executive must not deal with an application made under section 44(2) about works, or the taking of water, in the area.'."

That is my main point—about the "works, or the taking of water". For instance, if a plan has been devised to, say, pipe water from Lake Wivenhoe or the Atkinson Dam, and this legislation is in effect, "the chief executive must not deal with an application made under section 44(2) about works, or the taking of water, in the area." Therefore, who does deal with something like that? If we do proceed with a pipeline, for instance, and the chief executive does not deal with an application made under section 44(2), who does? People in my electorate will want to know what procedure to follow. I presume that there is an explanation for this, and I would like to tell them what it is.

The next part of the amendment states—

> "Amendment of s 25P (Actions must not be inconsistent with water management plan)."

It goes on to state—

> "... insert—
>
> 'dealing with an application made under section 44(2) about the works, or the taking of water, in the area.'."

That is the same sort of thing that I am talking about. People in that area utilise water from the Wivenhoe Dam, the Somerset Dam and so on. I seek an explanation as to how they go about making their particular applications. If the chief executive does not deal with the applications, then who does?

Also, the shire council is heavily involved with the South East Queensland Water Corporation. No doubt, people in the council would not have seen these amendments. They, too, would be interested in what these amendments actually mean. This involves a fair bit of amendment, and the need to understand it at this late stage makes things a little awkward. Those people would have seen the legislation previously, and that is how they think it will be. But when amendments come in late, obviously those people will want to know what cause and effect the amendments will have.

The next part of the amendment relates to the amendment of section 46—"Renewal of licence." Again, I would rather the Minister went through this piece by piece and gave me an explanation, so that I can take it to the Buaraba Creek Landcare group, which has dealings in the taking of water in that area, the shire council and others whom these amendments would affect. I will rest my case at this stage and listen to the Minister's explanations.

Mr WELFORD: I am happy to go through the explanations very clearly for the member. These amendments do not affect anything in relation to the pipeline or applications for water use from that pipeline to which the member might be referring. This relates to a situation in which a water management plan is going to be prepared for an area. For example, let us take the Cooper Creek water management plan, which exists now. While the water management plan is being prepared for an area, the Act provides a number of things. Let me go through them one at a time. I refer to the amendment that inserts clause 2A, which

inserts subsection (3) in section 25H. Right? Does everyone have that in front of them, children? Here we go!

Mr LESTER: I rise to a point of order. I find the reference to "children" highly offensive and ask that it be withdrawn.

Mr Reynolds interjected.

Mr Seeney interjected.

The TEMPORARY CHAIRMAN (Mr Reeves): Order! The member for Townsville and the member for Callide!

Mr WELFORD: It is all right, Mr Reeves. I have made a personal commitment never to acknowledge the member for Callide in this place ever again.

The TEMPORARY CHAIRMAN: Order! The Minister has been asked to withdraw.

Mr WELFORD: I did not make any personal reference to anyone.

The TEMPORARY CHAIRMAN: Order! The Minister has been asked to withdraw.

Mr WELFORD: I withdraw.

The first amendment amends section 25H of the Water Resources Act, which says that when a draft plan is changed, it must be readvertised. When a draft plan is put out for public consultation and at the end of the public consultation period as a result of those consultations the plan is amended, the Act currently requires under section 25H that it be readvertised and put out for consultation again. The effect of that is that, even if minor technical amendments are made—including the change of a single word that makes no substantial difference to the intent of the draft plan—we are required to go through the full public consultation phase again.

Section 25H was drafted in that way back when the Act was first introduced out of an abundance of caution to ensure that there was adequate community consultation. However, in practice we have discovered a problem. I think the water management plan for the Cooper Creek system is going to be an example—that minor adjustments to the plan that do not substantially change it, that correct errors and omissions in the plan from a technical point of view but make no difference to the intent of the plan in terms of what water resources are available and the level of allocations that are going to be available—that any change to the plan no matter how insignificant will require us to go through yet another period of consultation. I think it is 60 days, 90 days or whatever the usual requirement of the regulation is.

That will inevitably lead to unnecessary delay in finalising the plan and giving people certainty as a basis on which they can make their applications. That is especially important when we go to the next amendment, because it relates to the existing provisions of the Act which in a nutshell say that while a water management plan is in preparation we are not supposed to deal with licences. We know that that is a cause of much angst in relation to the water allocation management planning process—the WAMP process—as indeed it is in relation to a water management plan process under the Act.

The Act specifically contemplates that we should not deal with licences or applications in relation to licences while a plan is in progress. The reason for the Act as it currently stands requiring that is to ensure that no departmental activity occurs that goes about allocating the resource in a way that would undermine the plan while the plan is in progress—while it is being developed. It is only commonsense. Yes, there is some concern that, because some of these plans are taking some time to develop, the application and licensing process is frozen for that period and people are wanting the plans to be finalised.

We are saying here that if the amendment that is made to the plan after it goes out to consultation is not a change of substance, but it merely corrects minor errors or expresses the draft plan in a way that is different but not inconsistent with the draft plan that went out, we should be able to finalise the plan and get on with it and receive applications accordingly. We should not have to go out and run another public consultation period on a plan that basically says the same thing. That is what the first amendment says.

I turn to next amendment, which is clause 2B. Clause 2B relates to section 25N, which is an existing provision in the legislation. Section 25N is the section that says that, when a water management plan is in preparation, we are prohibited from dealing with an application to amend a licence under section 45. In fact, I will read the relevant provision of section 25N. It says—

> "If the Minister gives public notice that the Minister proposes to prepare a draft water management plan, then the chief executive must not deal with an application made under section 39, section 42 or section 45 about works in the area."

That is what the section currently says. This amendment adds section 44(2) to that list, which provides a head of power for the chief

executive to amend, modify, vary or revoke a term to which a licence is subject or to add a further term to a licence. The chief executive under section 44 can either do that on the chief executive's own motion, that is on the executive's own initiative, or on the basis of an application duly made.

This amendment says that, just as with the other dealings with a licence under sections 39, 42 and 45—section 45 also deals with amendments—an anomaly exists in that there was an omission to insert the amending power under section 44. In other words, it was a loophole that had not been filled previously. All the sorts of dealings with licences under sections 39, 42 and 45 were frozen while we prepared the plan, but for some reason the original legislation forgot to also include section 44. This provision brings that within the loop as well so that all the things that the chief executive might otherwise do with licences are, in effect, stopped until the plan is finalised. That is after notice has been given of a plan. This provision simply adds the power to amend works under section 44 to the other powers that are already covered by the Act in section 25N, which says that once a Minister gives notice that a plan is to be prepared, the chief executive should not be dealing with applications. That is in a nutshell what that means.

I move to section 25P, which is amended by clause 2C. It also refers to section 44(2). That is the section which gives the chief executive power to amend, modify, vary or revoke a term of a licence or add a further term to a licence. In other words, it is just one of the four heads of power that the chief executive has to deal with on a licence application. I should just say that the prohibition on dealing with licence applications applies only when an application is made. Technically, under the Act, a chief executive can still, on the chief executive's own motion, deal with licences in any way he or she likes. But the prohibition relates only to applications to amend, vary, revoke, etc.

Section 44 provides that head of power to the chief executive. Section 25P complements the provision about not dealing with licences while the plan is in progress. Section 25P says—

> "An action taken or decision made under this Act in relation to the plan area for a water management plan must not be inconsistent with the plan."

In other words, whereas the previous provision said that the chief executive should not fiddle with licences while the plan is in preparation, this provision says that when the chief executive does make decisions in relation to a licence, he cannot make them in a way that is inconsistent with the plan. That is the whole point of the plan. The plan sets the policy parameters within which the chief executive acts. Section 25P(2), which is the one we are amending, says—

> "An action is taken or a decision is made in relation"—

The TEMPORARY CHAIRMAN (Mr Reeves): Order! The member for Warrego: the Speaker has made some rulings about the use of mobile phones in Parliament. The Minister is on his feet. If you want to have a conversation, you can do so outside the Chamber.

Mr WELFORD: Section 25P(2) states—

> "An action is taken or a decision is made in relation to a plan area if it is taken or made for a dealing with an application under section"—

and then it lists those sections which I mentioned before, namely sections 39, 42 and 45. However, it forgot to include section 44(2). What we are doing is adding in section 44(2), which refers to the chief executive's power to amend, vary or revoke, etc., alongside the other powers which the chief executive has under sections 39, 42 and 45. It should also only ever be exercised in a way that is consistent with the plan.

Clause 2D omits section 44(1)(f). Section 44(1) is the section that lists all the sorts of things one can do with a licence. I will give honourable members some examples. Section 44(1)(a) says—

> "A licence under this Act is subject to the terms decided by the chief executive and endorsed on or attached to the licence, including, for example, payment of a fee."

Section 44(1)(b) talks about what sorts of terms can be endorsed on a licence, namely terms requiring the licensee to construct works, to give notice to the chief executive of the licensee's intention to construct works, to maintain those works to the satisfaction of the chief executive, and various other things.

Section 44(1)(c) says that a licence, where applicable, entitles the licensee to a grant of a nominal allocation. Section 44(1)(e) says that a licence under the Act remains in force unless sooner cancelled, revoked or suspended for a period determined by the chief executive in a particular case or class of cases.

Section 44(1)(f) says that a licence under this Act may be renewed, suspended, cancelled, revoked, transferred, amended, modified or varied by the chief executive during the currency thereof. We are omitting that because the power that says that a licence can be dealt with in each of those ways is already in the other provisions, namely sections 39, 42 and 44. Leaving it in section 44(1)(f) is redundant. It repeats what is already specified in other sections of the Act. To leave it in here suggests that this provision adds a power that is not already provided elsewhere in the legislation. We are better off taking it out. That is why we are removing section 44(1)(f).

We come to section 46(1). Section 46 relates to the renewal of licences. The problem with section 46 as it currently stands is that there is nowhere in the legislation that says that one can apply for the renewal of a licence. The current section 46 simply says this—

> "An application for the renewal of a licence must be in writing."

It is almost in the form of a regulation. It specifies how an application for renewal must be made but, through a past anomaly, there is no specific provision in the Act which says that one can apply for a renewal. It simply says how one would apply if one could.

This is simply a clarification that makes specific provision for a licensee to apply for the renewal of a licence. It gives the licensee that specific statutory permission which does not expressly exist in the legislation. As a consequence, the existing provision which talks about having to make the application in writing is renumbered to become section 1(a).

The TEMPORARY CHAIRMAN: Order! In accordance with the resolution passed by the House yesterday, I will now put all remaining questions to enable the passage of the Bill. The question is—

> "That clauses 3 to 9, and the Minister's amendments, be agreed to."

Mr Seeney interjected.

The TEMPORARY CHAIRMAN: Order! I warn the member for Callide.

Question—That clauses 3 to 9 and the Minister's amendments be agreed to—put; and the Committee divided—

AYES, 39—Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Pitt, Purcell

NOES, 38—Beanland, Black, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Reporting of Bill

Mr WELFORD (5.33 p.m.): I move—

> "That you do now leave the Chair and report the Bill with amendments to the House."

Question put; and the Committee divided—

AYES, 38—Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Palaszczuk, Pearce, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Purcell, Pitt

NOES, 38—Beanland, Black, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

The numbers being equal, the Temporary Chairman (Mr Reeves) cast his vote with the Ayes.

Resolved in the **affirmative**.

Bill Taken into Consideration

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (5.39 p.m.): I move—

> "That the Water Resources Amendment Bill, as amended, be now taken into consideration."

Question put; and the House divided—

AYES, 38—Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Purcell, Pitt

NOES, 38—Beanland, Black, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth,

Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

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

Third Reading

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (5.45 p.m.): I move—

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

Question put; and the House divided—

AYES, 38—Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Purcell, Pitt

NOES, 38—Beanland, Black, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

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

Resolved in the **affirmative**.

CRIMINAL LAW AMENDMENT BILL

Second Reading

Resumed from 25 August (see p. 3478).

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (5.49 p.m.): Generally, the Opposition will support this legislation. However, during the Committee stage of the debate we will move an amendment to one clause that we object to. We believe that that amendment will make the legislation a little better.

Generally, the legislation before the Parliament enhances the current reporting provisions under sections 19, 20 and 21 of the Criminal Law Amendment Act 1945. For the benefit of the House and honourable members, I take this opportunity to read into Hansard extracts from the very excellent research report prepared for parliamentarians by Karen Sampford of the Parliamentary Library. She has done an absolutely magnificent job in outlining the reasons for the legislation, the historic situation in Queensland and also how that compares with other jurisdictions around the world. When discussing the current legislation, under the heading "Reporting Requirements", the report states—

> "Section 19(1) of the Criminal Law Amendment Act 1945 provides that, where someone has been convicted on indictment of an offence of a sexual nature in relation to a child under 16, the trial court, or another court of like jurisdiction, upon application by a Crown law officer, may order that the offender:
>
> > is to report the offender's address to the officer in charge of Police at any place specified in the order within 48 hours after being released from custody, and
> >
> > thereafter, for as long as is specified in the order, is to report any change of address, within 48 hours of that change, to the officer in charge of Police at that place or at another place approved by the Commissioner of Police.
>
> An order will not be made unless the court is satisfied that 'a substantial risk' exists that the offender will commit another offence of a sexual nature upon or in relation to a child under 16: s 19(2).
>
> ...
>
> 'Offence of a sexual nature' is defined in s 2A(1) of the Criminal Law Amendment Act 1945, inserted by the Criminal Law Amendment Act 1946 (Qld), as:
>
> > including] any offence constituted wholly or partly by an act whereby the offender has exhibited a failure to exercise proper control over the offender's sexual instincts and any offence in the circumstances associated with the committal whereof the offender has exhibited a failure to exercise such proper control over the offender's sexual instincts and includes an assault of a sexual nature."

It is important to outline the current disclosure provisions as well, because they are very important. That section of the Act gives the Attorney-General a degree of discretion with regard to disclosing information about a person to whom a naming order applies—

> "Section 20(1) of the 1945 Act gives the Attorney-General the discretion to

inform any person that a person is subject to a reporting order, and give details of any offence of a sexual nature of which the person subject to the order has been convicted. However, the Attorney-General must be satisfied that the person to be given the information has 'a legitimate and sufficient interest' in obtaining it.

According to advice received by the Attorney-General and Minister for Justice, Hon MJ Foley MLA, from the Crown Solicitor, the provision does not enable the Attorney-General to volunteer to certain people information about the convictions for sexual offences of a person subject to a reporting order. Rather, a request is said to be necessary ie the provision allows the Attorney-General to answer queries from persons whom the Attorney-General is satisfied have a legitimate and sufficient interest as to whether a person has convictions for sexual offences and to provide details of those offences and of the fact that the person is subject to a s 19 reporting order.

The Attorney-General may release the information subject to such conditions as he or she thinks fit ... Failing to comply with any such condition attracts a maximum penalty of 10 penalty units ($750) ... The offence is dealt with summarily."

I wish to outline some of the significant history behind these sections in the Criminal Law Amendment Act 1945. The report states—

"Sections 19, 20 and 21 of the Criminal Law Amendment Act 1945 were inserted in 1989 by the Criminal Code, Evidence Act and Other Acts Amendment Act 1989, introduced by the National Party Government following recommendations made by the then Director of Public Prosecutions Mr Des Sturgess QC in his 1985 report. In relation to his recommendations that reporting conditions should be imposed on offenders convicted of sexual offences against children, and that such information should be able to be disclosed in certain circumstances, Mr Sturgess had said:

'Paedophiles, in particular, are driven by a strong compulsion to seek children; they actually hunt for them; many will be, or will act as, single men and are not tied to one place by the demands of home and a family. Some are constantly on the move ... Many paedophiles, also, seem to dedicate much of their lives to insinuating their way into places and occupations where they will have ready contact with children and they become very good at it. So it is clear, from time to time, there will be parents and organisations who need to be informed a person with whom they have, or may be about to have, dealings has a history of interfering sexually with children.

There is, of course, another side to this and offenders who have reformed are entitled to live down their past. That view is acknowledged by the defamation laws of this State where truth is not a defence to the publication of defamatory matter; it must be both true and for the public benefit.

It would not be possible to set down an exact set of rules relating to when information about a sex offender's past should be given and of whom and to whom it should be given. Consequently, it seems best to leave the matter to discretion; the discretion of the sentencing court to decide who, in a proper case, should be liable to have information about his past revealed and the discretion of the Attorney-General to decide whether, because of later circumstances, it is a proper case. Consequently, the scheme of things I recommend is, when a court sentences a person convicted of a sexual offence against a child who, in its opinion, may reoffend, the court be given the power to order him to report his whereabouts to the police; also, any person or organisation, provided it can establish a proper interest, may apply to the Attorney-General for information whether a particular person is the subject of such a reporting requirement and, if he is, for particulars of the offences of which he has been convicted. This arrangement keeps police out of the actual decisions involved in revealing the information; their duty is to keep track of the offender …' "

When looking at the use of provisions, the following comment from the report is pertinent—

"In April 1997, following discussions between the Department of Justice and

the Office of the Director of Public Prosecutions, a directive was issued by Royce Miller QC, the then Director of Public Prosecutions, in which attention was drawn to the 1989 provisions and Mr Miller stated:

> 'Crown Prosecutors and Counsel appearing for the Director of Public Prosecutions should make an application under section 19(1)(a) if it is considered that, having regard to the offences of which the offender has been convicted either alone or in conjunction with his or her past criminal history, the court will be satisfied that the substantial risk referred to in subsection (1) exists.
>
> Where such an order is made it allows police to know the offender's whereabouts during the reporting period, and the Attorney-General, pursuant to section 20 ... to inform any person of the making of the order and give the person details of any offence of a sexual nature of which the person has been convicted if the Attorney-General is satisfied that the person has a legitimate and sufficient interest in obtaining the information.
>
> Thus neighbours or a potential employer might be supplied with this information if the Attorney-General is satisfied of the person's legitimate and sufficient interest in having the information.
>
> Sexual offences against vulnerable young persons are prevalent. It behoves Crown Prosecutors and Counsel acting on behalf of the Director of Public Prosecutions to take advantage of these statutory provisions, where appropriate, for the protection of potential victims.'

As subsequently reported in Ministerial Statements to Parliament in June 1999, the courts had made orders in 12 cases since the amendments to the Criminal Law Amendment Act 1989. Ten of the offenders against whom reporting orders had been made remained in custody. One person had reported to police as required. The other person was in custody charged with a breach of the court order. (This offender was subsequently jailed for two months for failing to comply with the s 19 reporting requirements.)"

No application has been made to any Attorney-General for the release of information under section 20. It is pertinent to comment on that point now, because earlier in the year when I raised this matter publicly and we had some discussion about the issue of Queensland's version of Megan's law and about how we should make sure it was applied in Queensland, the Attorney-General drew the conclusion that section 20 may not necessarily be working, because no application had been made to him. I am not sure if anything has happened in the last couple of months, but the comments of the Attorney-General were quite unfortunate. At that stage, very few people who had been subject to these orders had been released. So it was a bit of a ruse on behalf of the Attorney-General to try to indicate that that section may have actually been ineffectual or was not capable of working.

I turn now to some of the proposed changes to the legislation. The report goes on to state—

> "Clause 4 of the Criminal Law Amendment Bill 1999 amends s 19 of the Criminal Law Amendment Act 1945 to include the requirement that an offender subject to a reporting order must, upon release from custody, report his or her current name (as well as his or her address—ie the requirement under the existing legislation). Thereafter, an offender to whom a reporting order applies must also report any change of name (as well as any change of address, as currently required).
>
> Clause 4 also omits s 19(5), so that if a rehabilitation period is capable of running in relation to a conviction for which a reporting order has been made, then the fact that that period has expired will no longer mean that the requirement to report will expire."

I commend the Attorney-General for bringing forward the amendment to require that such a person report a change of name. A number of months ago I issued a press release following the commitment from the New South Wales Government to go down this line. I indicated that it would be a very positive move for us to consider in Queensland. Subsequent to that, the Government has brought forward a similar amendment for consideration by this Parliament. The Attorney-General needs and deserves to be commended for that. It is a very important provision.

The Attorney-General and, indeed, all honourable members know that there has been considerable concern in the community

recently in regard to cases of heinous crimes involving children, to the extent of murder in some instances, in which the perpetrators have set about changing their names. Whilst a person convicted of such a crime has a right to be able to start a new life, there is also an expectation that the community will be made aware of that person and the crime that they committed. It is important that they be so informed because they might want to take some action to avoid that person. In this case, when a person is the subject of one of these orders, the requirement to report that person's change of name is very welcome. It removes the opportunity for that person to hide their identity and to continue to be a general threat to the community. That is a very important provision and it is an enhancement of the current laws.

Looking at comparative situations in other jurisdictions around the world, the one that comes to mind is Megan's law in the United States. A lot of people in this country are probably aware of it. We have dubbed our law here Megan's law as well. Whilst not being strictly true, our law is an easy way of being able to respond to certain situations which arose in the United States in most unfortunate circumstances. The report goes on to state—

> "In October 1994, the New Jersey legislature, responding to public pressure created by the murder of seven-year old Megan Kanka by a neighbour with two previous convictions for sex offences, passed legislation providing for the registration of released sex offenders and community notification of their presence within the community. Under the New Jersey statute, which has come to be known as Megan's Law, county prosecutors classify released sex offenders according to their risk status. In accordance with guidelines prepared pursuant to the legislation:
>
> . for a Tier 1 or low-risk offender, only law enforcement agencies within the community into which the offender is to be released are provided with warnings
>
> . for a Tier 2 or moderate risk offender, school and community organisations must also be notified
>
> . for a Tier 3 or high-risk offender, notice, by distributing flyers or mailings, is to be given to the entire community, in addition to notice to law enforcement agencies and school and community organisations."

Obviously, with regard to the extent of notification provisions, what they were dealing with in the United States is a lot more than our law in Queensland. Our law in Queensland is a reasonable balance and ensures that we do not have the situation of flyers and mailings going out in the local community. The report continues—

> "Under the 1996 federal Megan's Law amendment to the Jacob Wetterling Act, all American states are required to enact legislation which allows public access to, or dissemination of information about, persons required to register where that is necessary to protect the public (or forfeit 10% of their federal crime control grant). The requirements set down by the amendment to the Jacob Wetterling Act are baseline requirements which do not preclude the states from imposing extra or more stringent requirements, for example, by establishing a registration system that covers a broader class of sex offenders than those identified in the Jacob Wetterling Act, requires offenders to verify their address at more frequent intervals than the Act prescribes, or requires offenders to register for a longer period than that specified in the Jacob Wetterling Act.
>
> In the United Kingdom, Part 1 of the Sex Offenders Act 1997 requires prescribed categories of sex offenders to notify the police of their name and home address within 14 days of their conviction or the commencement of the legislation. Subsequent changes of name and address must also be notified within 14 days. Persons subject to the legislation must also advise police of any address in the United Kingdom where the person has stayed for a period or periods totalling 14 days in any 12 months. The period of time for which an offender must provide notification details depends upon the sentence which has been imposed. For example, an indefinite period of notification is imposed upon offenders sentenced to a term of imprisonment of 30 months or more. Sentences of six months imprisonment or less are subject to the notification requirements for a period of seven years.
>
> During the parliamentary debates prior to the passage of the legislation, it was anticipated that the information collected would be stored on the police national computer database and thus instantly accessible to all police forces and by the National Criminal Intelligence

> Service. The Act makes no reference to the disclosure of the information required to be notified. However, during the debates on the legislation, the Association of Chief Police Officers expressed the view that, to maintain maximum flexibility in the arrangements for exchange and use of information, the most effective option would be a Home Office Circular. Under guidelines issued by the Home Office in August 1997, and reflecting current practice, communities will only be notified of the presence of sex offenders in exceptional circumstances and a decision to name an offender must be 'justified on the basis of the likelihood of the harm which non-disclosure might otherwise cause'."

In my consideration of this legislation, I had an opportunity to send a copy of this report to the Bar Association of Queensland. I think it is very important that we get the perspective of that association. I also have a habit of seeking the advice of the Queensland Council for Civil Liberties. Whilst we might not necessarily agree with the council's viewpoint, it is very important that we consider the issues that it puts forward. There may be a degree of relevance and there may very well have been something which we overlooked.

In response to my representations to the Bar Association, the following letter, which was the position of the association, came back to me. It was written from the perspective of the first person. The letter states—

> "I think it is legislation which creates the potential for witch hunts but I make the submissions on the basis that it is obviously accepted as necessary by both sides of the political system.
>
> ...
>
> Clause 4.5 is in my personal view, objectionable. What is the point, one asks, of having a rehabilitation period for offenders but requiring them to report their personal details after that period has expired? It will make rehabilitation on their part very difficult as it will make it impossible for them to put behind them their prior offending."

As I understand it, the Attorney-General's amendment will address that issue. I believe that his amendment is worthy. I must admit that, when I read the Bill, I thought that what is in the Bill is probably an aspirational thing which many people would support. I must admit that I was supportive of it myself. But I ask members to consider the Criminal Law (Rehabilitation of Offenders) Act, which includes a particular time frame. After a period, a person can be expected to be free of any encumbrances. The Attorney-General's amendment basically is to lift that, as I understand it.

I think the amendment brings it back to a reasonable level. It involves community responsibility. It is probably stronger than the current legislation, because it allows a court to make the determination. So a person who is the subject of an order can go before a court and apply to have that particular order lifted or varied. I believe that recognises those sorts of concerns. The letter continues—

> "The provision relating to other persons claiming a legitimate and sufficient interest in the information is dangerously loose—who is intended to be covered by such a provision? Some criteria should be legislatively established to indicate just what group or groups are intended to be within this coverage."

The final point made is—

> "The Attorney General claims the amendment achieves a balance, and to a significant degree relies upon the punishment provisions of the legislation for this claim. He says that they help to safeguard the interests of a convicted child sex offender. However, a person who breaches the conditions applied to an order to release information is subject to the risk of a maximum penalty of 10 penalty units—no imprisonment is available. If there is to be a deterrent to improper use of information ordered to be released, a substantial term of imprisonment should be available, so that those who flout the law (as some surely will) can be properly punished and they and others can be deterred from repeated offences. The remedy is further limited because it can only be taken with the consent of the Attorney General—and one can imagine the reluctance to approve a prosecution if the offender is a media outlet."

I would now like to make some general comments and talk briefly about an amendment that I intend to move before I conclude my contribution. As I said at the outset, the Opposition is generally supportive of the legislation before the Parliament. We believe that it is an enhancement—an improvement—on the Act which has operated in Queensland—or failed to operate—for a long time. The opportunity cannot pass by without providing some brickbats as well as bouquets.

This legislation was passed in 1989 by the then National Party Government and, basically, it lay on the statute books of this State for a period of about seven years without actually being acted upon. I am sure that the former Attorney-General, Mr Beanland, would agree with that. I understand that, in April 1997 or thereabouts, Mr Beanland had some discussions with the Director of Public Prosecutions about this particular issue, and the Director of Public Prosecutions subsequently issued a directive to his prosecutors around the State that they should look at this particular protective mechanism that is available to protect our children from recidivist paedophiles and to ensure that the mechanism is then in place for reporting and for the release of information.

This really begs the question: why did it take so long for that to come to pass? I think I know some of the reasons, probably including the reluctance of the then Goss Labor Government, which might have been concerned about some of the civil liberties issues. Nevertheless, in the end, it was acted upon and, I believe, acted upon fairly successfully. Notwithstanding that, as I indicated, we recognise that there were ways of enhancing sections 19 and 20, and I believe that those sorts of things have happened.

I believe that part of the reason this legislation came before the Parliament was that, earlier this year, the Police Minister made a comment to the Sunday Mail that we should be considering having a Megan's law-type mechanism here in Queensland. It was subsequently pointed out by the Opposition that we actually did have a Megan's law-type mechanism, which was sections 19 and 20 of the Criminal Law Amendment Act 1945; that that had not been used by the Goss Government previously, and it was only us who put it into place. Subsequent to that, the Attorney-General indicated his concern about having a Megan's law-type mechanism. And to play a bit of catch-up, the Government then promised to review the operation of sections 19 and 20 of the Criminal Law Amendment Act 1945 to try to recover some of that ground and maybe to exact a bit of kudos for itself.

One thing that I am concerned about, though, is that the Attorney-General seems to be committed to abrogating his responsibilities insofar as the release of information under section 20. The Attorney-General is the chief law officer of this State and, therefore, I believe, the guardian of the public interest. Maybe it is the Attorney-General's natural civil libertarian reticence—in not wanting to oversee the provision which enables him to release information—or maybe he is generally concerned and secretly opposed to this particular provision, but I cannot understand why he wishes to transfer to the Queensland Community Corrections Board responsibility for providing information to those people in the community who are concerned under section 20 of the Criminal Law Amendment Act.

The Attorney-General would argue that there is less opportunity for political interference. That is also a point which was advanced by the Bar Association in its letter to me. However, there is an important point which honourable members need to consider, that is, who is to say that the Queensland Community Corrections Board is going to be any less politically considerate of these issues than the Attorney-General would be? The Queensland Community Corrections Board is actually recommended by the Minister, as I understand it, and appointed by the Governor in Council. So the opportunity exists for a political consideration, as well. If members are concerned about the Attorney-General looking at it from a political point of view, they should be far more concerned about the Queensland Community Corrections Board operating in a political way insofar as the release of information regarding a particular offender who is the subject of a naming order, together with the other concerns which I pointed out earlier in my contribution.

Last year, in one of his first acts of legislation in this Parliament, the Attorney-General brought forward the notion of enshrining an independent Attorney-General in this State. I think that was a bit of nonsense because, in actual fact, we have a system which ensures that our Attorney-General can be as independent as he or she possibly can be, given that they belong to a political party, that they belong to a Government that is made up of a political party, that they sit in a Cabinet that is made up of a political party, that they are a member of Executive Council which is made up of a political party, and that they are generally guided by the policies of that particular political party. That is fine. At the end of the day, whilst the Attorney-General can act independently—and I am sure that most Attorneys-General do—there will always be a degree of political consideration in any sort of decision which may be made. We know that.

The only way that we can possibly do away with the possibility of that is by appointing an outside Attorney-General—taking them outside the Cabinet process and outside the political process—so that they

have no political input and are not bound by the dogma of a political party. But under our system in this State, and in the tradition of our Westminster system, that is not the way that it operates. Therefore, we have to be aware that there will always be some degree of political consideration in anything that the Attorney-General does. The important point, of course, is that, at the end of the day, the law is applied as per the statute and that the considerations are done justly and fairly. That is all I am saying.

By transferring that responsibility to the Queensland Community Corrections Board, it is the one that has the responsibility for assessing the community interests and the application that might come to it for release of information regarding an offender who is subject to one of these orders, and it knows their name, whereabouts and those sorts of things. But we know full well that some of these boards last no longer than the term of the Government and, depending upon some of the things that might happen in between, do not last even the term of the Government and are made up of people who have had political connections.

A lot of those people are probably very good, decent citizens who do their job and consider the matter to the best of their ability. Of course, in those particular positions they also have to look at the community interests; they have to look at some of the community pressures and probably some of the political issues as well. I think that the Attorney-General, in handing over responsibility to the Queensland Community Corrections Board, is abrogating his responsibility as first law officer of this State. He is abrogating his responsibility to the people of Queensland as the upholder of justice as we know it. It is as though he is saying, "I do not want to do this. It is just too much of a problem, and I do not agree with it necessarily. I am too scared of it." I do not think that that is right. I think that the Attorney-General and this Parliament should support the amendment which I am moving because it preserves the very excellent aspects of this legislation—and they are many—but ensures that the Attorney-General has the ability to act upon the additional disclosure information in section 19 with regard to name changes and that sort of thing without turning that over to the Queensland Community Corrections Board.

In addition, there is a certain historical prestige and expectation that the Attorney-General should be the person who is in charge and responsible for those sorts of things. I would implore the Attorney-General to reconsider this and to consider supporting the amendment that is going to be moved by the Opposition in this Parliament later on this evening.

Finally, I think that Queenslanders have an expectation that their Government by statute will do all it possibly can to protect the most vulnerable members of our community—and that is our children—from the actions of recidivist sex offenders in particular. That is something with which everybody in the community agrees and it is something with which I think all members of Parliament agree. The only thing that might divide us from time to time is the mechanism that we may use to do that, and that is open to the democratic debate and democratic vote in this Parliament.

We should never close our mind to amendments; we should never close our mind to suggestions from the community. However, if we can go about putting in place legislation such as this without the removal of the Attorney-General's responsibility, I think we would build on an existing Act of Parliament which was very good and which achieved the expectations of the community in general. Unfortunately, it existed for about six or seven years without being implemented in this State.

I do believe that if we can omit the section which removes the responsibility for passing on information to the Queensland Community Corrections Board, we can have legislation of which this State can be justifiably proud and which will certainly do much in the future to protect our children, who are the most vulnerable members of our community, from the actions of repeat child sex offenders.

Mr MICKEL (Logan—ALP) (6.23 p.m.): I want to support the Criminal Law Amendment Bill. I think it is necessary to help give some assurances to people whose children have been violated. Earlier this year a constituent of mine came to see me about the alleged atrocities committed against her children. Not unnaturally, she was distraught and it was quite an emotional moment for her and for me in my electorate office as she related her story. She said to me that the offender had not long been released from jail where he was serving time for, I understand, what had been a similar offence.

This change to the law proposed by the Attorney-General may help others. It will certainly not help her. Who knows the emotional and psychological scars that have been caused to her children as a result of the incidents that occurred? It is just simply too horrible to contemplate.

She asked me to ask the Attorney-General and, in fact, ask the Government what steps are being made to rehabilitate these people prior to their release into the community. She put to me the argument that, in jail, these people are not surrounded by children; it is only when they re-enter the community that they are again surrounded by children and by the sexual attraction that these deviants have for children. I would ask the Government on behalf of my constituent to concentrate on the rehabilitation program for these people because, as parents, we all want reassurance and, as a parent who suffered that violation, my constituent certainly wanted that assurance.

Not unnaturally this case—and I do not want to go into it any further—provoked widespread community discussion. Not long after that, there was a television show which showed how abused children were, in turn, abused within the justice system. Indeed, a study undertaken by the Australian Institute of Criminology found that, when a female child who has been sexually abused becomes involved with the justice system, the courts become the lawfully sanctioned context in which the child is further abused. The process of cross-examination appears to ignore the developmental and psychological needs of the young victims of sexual assault and causes further trauma for the child.

The court system, not unnaturally, is foreign to a child. Kids believe that all they have to do is go in and tell the truth and, because they have told the truth, the person will be found guilty and go to jail. The adversarial nature of the courts often destroys this innocence for children. Defence lawyers, because they are acting diligently, I suppose, on behalf of their clients, can confuse young witnesses through repetitive questioning, demanding unrealistic specific times and details, rapid questioning and repeated interruptions. In addition to the trauma of facing the offender or hearing the offender in court during the giving of their testimony, the presence of the jury, difficulties with the legal language and age appropriate questioning all add to the trauma that children face. For young girls, this is also personally difficult because a study found that three-quarters of sexually abused girls were abused by either a relative or a family friend.

I hope this law will go some way towards addressing the wrongs that these young people have faced, the abominations that they have faced. Today I wanted to raise this case in particular on behalf of my constituent who went through that personal anguish when her own children suffered this trauma. I hope that this change will at least benefit some others because I would not want any other honourable members to share the trauma that I had to share with that woman when she came to me on behalf of her children. I hope the work being undertaken within the judicial system will make the court system fairer for children who have been abused whilst also guaranteeing a fair trial for the accused.

Mr BEANLAND (Indooroopilly—LP) (6.28 p.m.): This legislation is about protecting the most vulnerable within our community, the children of Queensland, from paedophiles. It is unfortunate, as we all recognise, that so often rehabilitation in this area simply does not succeed, and that is the reason that this legislation is necessary.

Over the years since the Sturgess report and that time in 1989 when legislation in this regard was first introduced, there has been a greater awareness about paedophilia activity within the community. One of the most significant areas of change that we have seen in recent years has been the establishment of the Queensland Crime Commission. This is one of the references that can be followed up by the Crime Commissioner and a matter on which he can focus and concentrate. It is great to see that we now have a Crime Commission that is doing the job that, unfortunately, many of us believed the Criminal Justice Commission was going to do for us. It is sad that that was not done from the time when it was established in 1989-90 through to 1996-97 when eventually the position of Crime Commissioner was established. As set out in the legislation, investigation of paedophilia is one of the functions to be undertaken by the Crime Commissioner.

This is another reason why this legislation has been brought forward. I believe we will see further legislation brought before the Parliament as the Crime Commissioner undertakes further investigations and looks at overseas trends. The Crime Commissioner might be able to improve the process in this State. Coupled with that, we have the ongoing work of the Queensland Police Service. We must congratulate the Queensland Police Service for the work they have performed in this regard. A tremendous amount of surveillance work is involved in the investigation of paedophilia. The majority of the work involved in apprehending paedophiles consists of surveillance.

We have seen very significant changes following the establishment of the position of Crime Commissioner by the former

Government. It is necessary to have a particular focus in legislation such as this. It is interesting to look back at some of the comments which are contained in the Karen Sampford report produced by the Queensland Parliamentary Library. Mr Sturgess spoke about paedophiles in this way—

> "... driven by a strong compulsion to seek children; they actually hunt for them; many will be, or will act as, single men and are not tied to one place by the demands of home and a family."

That is one of the reasons why we have this legislation. For a number of years those matters were ignored, and we cannot undo that.

It is important that we now have the Crime Commissioner undertaking specific work in this area in conjunction with the Queensland Police Service. The Crime Commissioner has the same powers as the Criminal Justice Commission. These powers are necessary in order to follow up the craftiness—for want of a better word—of paedophiles and the lengths to which they go in order to carry out their activities.

The shadow Minister outlined some aspects of the legislation with which the Opposition is not very happy. I agree with the comments of the shadow Minister in that regard. Simply making some changes to the Queensland Community Corrections Board will not overcome some of the very important issues. I believe it would be preferable to retain the Attorney-General—or some other person if the Attorney-General is not available, such as the Police Commissioner—as the responsible officer rather than the Queensland Community Corrections Board.

There is a greater awareness in the community concerning the activity of paedophiles. In the past, these matters have been swept under the carpet. Those concerned are now much more accountable. Many of the old cases are now coming before the courts. The shadow Attorney-General referred to the situation as it was in 1977, and I will not refer to that matter any further.

Whichever model we adopt, I believe we will see further amendments to the legislation coming before the Parliament. We will see further improvements in the way in which the Crime Commissioner and the Queensland Police Service tackle this problem. There will have to be changes in the way that the courts handle these matters. Action will have to be taken in relation to the notifications and the way in which we get the message across to the community. We have to consider whether notices go to parents who live in the vicinity or to school principals. The restrictions on the way in which a school principal can use information will have to be reviewed. It is not enough to simply tell the principal of a school. There will need to be changes in that regard. The other matters have been covered by the shadow Minister.

Mr PAFF (Ipswich West—ONP) (6.34 p.m.): The Criminal Law Amendment Bill is a welcome improvement to the law to promote the awareness of paedophiles within the community. This Bill is necessary for the protection of our children from these predators.

What disappoints me, however, is that this Bill is a typical Labor Party patch-up of the issue. Of late, the public has been openly in favour of Megan's law. Various news reports and articles have discussed the issue over the past six months and, apart from the obvious—namely the civil libertarians and other similarly minded minority groups—the public have generally supported the idea of Megan's law. In fact, a discussion about paedophiles at almost every backyard barbecue would disclose complete contempt for anyone capable of hurting and abusing a child in such a manner. There would be little compassion for the offender.

I have no doubt that the main reason why this Bill does not go far enough is because of Labor's continual reaction to the whining of the minority groups. The propaganda of the civil libertarians, espousing the protection of the rights of the criminal, is nonsense. What about the rights of the child—rights that were taken from the child in circumstances which will scar the child for the rest of his life.

What about the rights of children? What about their suffering, their misery and their pain which lasts for a lifetime? They will have a hard time fitting in. They will find it difficult to have a normal relationship, to love unreservedly, to trust and to believe in themselves. They will struggle to do so—if they are able to do so at all. Their misery and pain lasts an eternity and will affect not only themselves as victims, but every person close to them, now and in the future. It is little wonder that the public have no sympathy for paedophiles. Why should they? Did the paedophile have any thought or sympathy for the child whose life he destroyed? Is the paedophile only thinking of his selfish and perverted desires? There are simply no excuses for such behaviour.

I do not believe that the introduction of Megan's law would find much argument within the community if we exclude those who fight

on behalf of the perpetrators. This Bill is not Megan's law. This Bill is typical of a party knowing that a tough decision is required. It is typical of a party lacking the courage to develop the strong legislation which is required to provide adequate protection for the vulnerable within our community. To avoid upsetting the loyal followers who belong to the vocal minority groups, the Government has limited the power of the Bill. It has introduced a Clayton's Megan's law.

In an attempt to look good to both sides, the Government has introduced the Criminal Law Amendment Bill—a Bill that must be commended because it is a step in the right direction, but it is a Bill that brings some disappointment because it does not go far enough in protecting our children from such sick people. As I said, this Bill does improve the current situation which presently does not legally allow the forwarding of information about paedophiles to members of the community.

This Bill allows certain information to be forwarded to certain members of the community at the discretion of the Queensland Community Corrections Board and at the request of specific people. These people include police officers, Corrective Services officers or others "claiming a legitimate and sufficient interest in having the information". I ask the Minister: what are the guidelines for determining who has a legitimate and sufficient interest? Does this allow access by the public? I am concerned that the guidelines that the board lays down regarding the use of the information may restrict or impede the purpose of the Bill. The Minister in his second-reading speech refers to a school principal as an example of someone whom the board might consider as having a legitimate and sufficient interest in having the information.

This places the school principal in a difficult position. He might know this information but he may not be able to tell a soul—not even his staff, the people who have most contact with the children, especially at lunchtime and after school. Is it really safe to inform only the school principal and restrict that information to him? In his second-reading speech, the Minister made the following statement—

> "The Court is uniquely placed to give due weight both to the rehabilitation of the offender and to the protection of the community and thereupon to make the appropriate reporting period under section 19."

I believe that some of these people are not able to be rehabilitated.

It is interesting to note the order in which a Minister refers to the court's duty. The first priority should, of course, be the protection of the community. The rehabilitation of the offender is of lesser importance, and it is a process the success rate of which is not proved. Even Professor Paul Wilson, a well-known criminologist, states categorically that the rehabilitation of child sex offenders has a very low success rate. In fact, he states that the vast majority of such offenders can never be rehabilitated. I am sure that, if members of the public were asked, they would say that they would not be pleased to be spending money on attempting to rehabilitate those people, anyway. Let us face it: who would want these people as part of our society? If they are to be released back into our community, the guardians of those at risk have an inalienable right to know that they are there.

There are many positive aspects to this legislation. However, I do not believe that it goes far enough. The right to this information should exist within the community so that the seeking of it is a matter of choice for each individual member of the public. The choice and rights of the paedophile were lost the day he stole the rights of the child by preying on that child's innocence and vulnerability. In that regard, although One Nation would support harsher legislation, it supports this Bill on the basis that it improves the current situation and is a step in the right direction in dealing with paedophiles in our community.

Interruption.

DISTINGUISHED VISITOR

Senator Patterson

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! Before I call the member for Gladstone, I would like to recognise in the gallery Senator Patterson and his wife from Texas in the United States.

Honourable members: Hear, hear!

CRIMINAL LAW AMENDMENT BILL

Second Reading

Resumed.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (6.41 p.m.): It has been said by a writer to the paper that to implement Queensland's version of Megan's law the Queensland Community Corrections Board will have the discretion, or

have to determine, or be satisfied that there was a serious risk of a child sex offender reoffending. That writer went on to say that, surely, the question should be not how to manage offenders when released but whether those who are assessed as posing a serious risk to the community should be released at all. Further, the writer said that, until a treatment program can be found to ensure that a paedophile no longer poses a serious threat to children, indefinite incarceration is the only option for a responsible society. Most of us in the community would agree with those sentiments. However, Terry O'Gorman from the Queensland Council for Civil Liberties and others say that the priority ought to be on the rehabilitation of the offenders. Overwhelmingly, the feedback that I have received is that the children should be our primary focus.

This Bill raises again the obligation that each of us has to protect our most precious children. They have no real defence themselves. Those violated at a young age have no tools with which to combat the mongrels who would prey on them. They are trusting, they are open, they are unquestioning. It has been recorded, and I think very accurately, that this type of offence has a high level of recidivism.

The public admission of information is not intended for low-level offences. In May this year in Queensland, a 58 year old sex offender, with no previous criminal history, was required to notify police of his address for three years, despite being convicted of a minor sexual assault. I will not name the judge involved, but the judge was told that the man had touched a 10 year old boy's genitals on the outside of his pants for a matter of seconds before the boy pushed him away. The man was sentenced to six months' jail but was released immediately on an intensive correction order and ordered to notify police of his address within 48 hours.

I do not believe that most Queenslanders want that use of this particular power. More specifically, again this year the Police Commissioner released information about a convicted paedophile working for a community children's organisation, using another little known legal provision. This sort of power, and the exercise of it, is what the people in Queensland want. I do not believe that the community in Queensland are unreasonable. I do not believe that they are vindictive. I think that they are fair and just people. They acknowledge that young children who are preyed upon by people—men and women—deserve the greatest level of protection. In that regard I refer to not only the victims of that particular assault but also other children who may subsequently and innocently become the victims of the same offender.

Although I will be supporting the Bill, contrary to what it proposes I happen to believe that the Attorney-General is a very appropriate person to exercise that power. I believe that he would do it objectively, I believe that he would do it sympathetically, and I believe that he would do it appropriately. I do not really see the need for the shift in the exercise of power. However, I see the need for the power to be exercised in genuine circumstances.

It has been said that people are entitled to know who is among them, that is, those who have the intention to harm children. We have to balance civil liberty considerations with the rights of children—potential victims. However, as I said earlier, I believe that people in Queensland come down, almost to a person, in favour of the protection of children. Paedophiles do not deserve our sympathy when they have shown themselves to be serious offenders. The first example that I referred to was of somebody who perhaps did something without thinking and may intend never to reoffend. However, many paedophiles have a long history of offending or are long suspected of offending, and they do not deserve any protection. Our children deserve protection, the children's parents deserve protection and, on that basis, I support the Bill.

Mr SANTORO (Clayfield—LP) (6.45 p.m.): I rise to briefly lend my personal support to the Criminal Law Amendment Bill and, in particular, to commend the comments of the shadow Attorney-General, particularly as they relate to the concerns that are expressed within the community about an issue that really strikes at the heart of community sensitivity. Generally, I think that the community wants to feel safe from all sorts of people with ill intent. It wishes to be safe from harm that may come to them either accidentally or intentionally, as often is the case, by the premeditated actions of paedophiles. In addition, and more specifically, the community, and parents particularly, wish their children to be safe. To that extent, I support wholeheartedly the comments that were made by the honourable member for Gladstone in relation to this Bill being seen by some—and I think that those who fall within the ambit of the word "some" are unreasonable—to put some civil libertarian considerations above the absolute necessity to do whatever we can to keep our children safe from the ill that this Bill seeks to circumvent. There can be no greater responsibility of legislators than to look after the interests of

children and the elderly. This Bill certainly goes towards looking after the safety and the long-term interests of children.

The amendment that has been proposed by the shadow Attorney-General, which seeks to make the Minister responsible for the notification of the whereabouts of paedophiles, is very deserving of support. As members of Parliament, should take more responsibility than we do. I remember very early in the life of the Beattie Labor Government the Honourable the Minister for Police coming into this Chamber and taking on many of the powers in terms of administering the Corrective Services system of this State. Some members on this side expressed some reservations, but I had a lot of sympathy with the arguments that were put forward by the Minister for Police in relation to that Bill. He stated that the community expects us, the people who legislate, to also be as close as possible to our legislation. He stated further to the effect that "I am not going to let somebody else run the Corrective Services system of Queensland; I am going to run it myself." I think that that intent received a lot of support, and it still has a lot of support within the community. If representatives such as us in this place have given ourselves the legislative ability to be responsive, but we are not responsive to what the community wishes and desires, then the community can judge us far more harshly than otherwise would be the case at a future election.

I support strongly the amendment that will be put forward by the honourable the shadow Attorney-General. I think that the Minister, who I commend for introducing this amendment Bill, should go that extra step and take full responsibility for carrying out what I think is a very worthwhile intent and practice that will emanate from the passage of this Bill. So I strongly support both the Minister, and the shadow Attorney-General in his intention to move an amendment, which I think is very worth while. As long as this type of legislation is being put forward by members opposite, it will continue to enjoy the support of people on this side of the House.

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (6.49 p.m.), in reply: This Bill will provide a fair, reasoned and balanced way of collecting and releasing certain information on persons convicted of sexual offences against children. It will do so in a manner that does not let people take the law into their own hands. It will do so in a manner that does not involve the whipping up of hysteria, as has been seen in some places. This is an important reform for extending the range of relevant information to include addresses and changes of name. I thank honourable members for their contributions and for their foreshadowed support of the Bill. I will deal with some of the contributions.

I welcome the Opposition's support of the Bill. I note that in May Opposition members sought to move a motion in the House merely reaffirming the 1989 law. At the time, the Government took the view that this Parliament should examine and critically review the law and not be distracted by what was a political point-scoring exercise. The wisdom of the Government's view is manifest in the legislation that has come before the House because, instead of merely revisiting the 1989 law with its deficiencies, we have sought to improve the law.

Similarly, I welcome the Opposition's more responsible approach. I note that according to an article in the Courier-Mail on Tuesday, 20 July this year, when the Premier referred to this proposed change the Opposition Justice spokesperson condemned it as a cop-out. I am pleased that the honourable member has reflected and shifted his position towards a more responsible view. I welcome that change.

With respect to the transfer of responsibility from the position of Attorney-General to the Community Corrections Board, I simply say this: firstly, it puts the decision making at arm's length from the political process, and that is a desirable thing. Secondly, it puts the decision making in the hands of a professional body that is involved in the supervision and risk management of offenders within the community. That will help to make the system more effective in achieving its purpose of protecting children.

The honourable member for Logan spoke eloquently and with great conviction. In response to the honourable member for Logan, I say that my colleague the Minister for Police and Corrective Services certainly takes seriously the responsibility of providing programs within our Corrective Services institutions for the rehabilitation of offenders because it is important, where possible, to break the cycle of crime and to prevent offences from occurring. Secondly, I also say to the honourable member that this legislation will help to protect children in future. The concern, distress and tragedy that has been visited upon the honourable member's constituent is something that would, I am sure, deeply concern all honourable members.

The legislation is an important step. It seeks to strike a balance between competing interests in a way that aims to protect our

children and in a way that is professional and responsible. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr FOLEY (6.55 p.m.): I move the following amendment—

"At page 5, after line 8—

insert—

'Insertion of new s 19A

'4A. After section 19—

insert—

'Application for revocation of order

'19A. (1) A person who is subject to an order made under section 19 (the "offender") may apply to the court that made the order, or a court of like jurisdiction, to have the order revoked.

'(2) The only ground for the application is that there no longer exists a substantial risk that the offender will commit an offence of a sexual nature.

'(3) The court may revoke the order if it is satisfied beyond a reasonable doubt that there no longer exists a substantial risk that the offender will commit an offence of a sexual nature.'.'."

In Alert Digest No. 11 of 1999, the Scrutiny of Legislation Committee raised the question of whether a person who is ordered under section 19(1) of the Criminal Law Amendment Act 1945 to report their name and address and change of name or address will be able to seek to have the order revoked. As noted by the committee, the effect of the Bill will be to remove the 10-year ceiling created by the rehabilitation period while leaving the ability to make an order under section 19(1) "for such period as is specified in the order."

I inform the Committee that under section 19(9)(A) of the current provision, a reporting order under section 19(1) is not a sentence or part of a sentence, but the offender does have the right to seek leave to appeal or an extension of time to seek leave to appeal as if the order were a sentence. Therefore, in most cases this provision would safeguard a person who feels aggrieved by the making of an order under section 19(1).

However, I did recognise that with the removal of the 10-year ceiling on reporting, as a consequence of removing the application of the Criminal Law (Rehabilitation of Offenders) Act 1986, such persons will have to report for the duration of the order even if their circumstances change dramatically; for example, if the person subsequently suffers some major physical disablement. Therefore, I agreed to move this amendment in Committee. It will allow offenders to apply to the court that made the order to have the order revoked if the court is satisfied beyond reasonable doubt that there no longer exists a substantial risk that the offender will thereafter commit any further offences of a sexual nature.

The proposed test is tied in part to the ground on which the order may be made in the first place, that is, that there exists a substantial risk that the offender will thereafter commit a further offence of a sexual nature against a child under 16 years of age. If a person has been required to report because the court was satisfied that such a substantial risk exists, then some degree of certainty that no such risk persists should be required before the order is revoked.

On balance, taking into account the interests of the convicted person and of potential victims, I believe the proposed amendment is fair and reasonable. After all, the requirement to report and to act honestly in recording any changes of name or address is not too onerous compared to the risk of harm that some offenders pose to further innocent potential victims.

For the same reason, my amendment requires that the offender will also need to show that there no longer exists a substantial risk that the offender will thereafter commit any further offence of a sexual nature. It would make a mockery of the proposed revocation provision if a judge had to revoke an order if the offender was no longer a risk to children but was still a risk to adults.

Mr SPRINGBORG: I ask the Attorney-General for a point of clarification. I support what the Attorney-General is trying to do in responding to the concerns of the Scrutiny of Legislation Committee. The Attorney-General may have explained the issue, but I do not recollect it. Maybe there is an interrelationship within the Act. When can a person who is the subject of such an order make their first application for the revocation of the order? Is there a time frame? Could it be six months, two years or five years? Obviously, a person could seek the revocation of an order three or

four months after it is made. That would probably be an abuse of the particular protective clause that the Attorney-General is seeking to put in the legislation.

We know that sometimes people have a propensity to use the legal avenues that are open to them to seek a particular end. I am talking about the opportunity that exists for a person who is the subject of one of those orders to go before the court and have their application considered. If it is knocked back, they may decide to do the same thing three months later, five months later, seven months later, ad infinitum. Could the Attorney-General clarify those issues?

Mr FOLEY: The Bill does not specify a time limit under which a person can bring such an application. What has to be understood is that this is a matter for the court. Where an application that is vexatious or frivolous is made, the court has ample power to deal with it. The court has the power to ensure that the matter is not unduly wasteful of the court's time and is not an undue abuse of process. The law regulating the abuse of process applies both in civil and criminal jurisdictions. The courts have ample powers to deal with any abuse of process.

Mr BEANLAND: I accept the Minister's comment that there are various powers for the court to deal with vexatious and frivolous matters. Nevertheless, these people will go to any lengths to try to find a way to weasel around the law and get the order revoked. I cannot help feeling that as a Parliament we are leaving the system open to abuse through people making various applications. I can see the courts ending up with a range of these sorts of applications—there might be three, four or a dozen. At the end of the day, we will see a vexatious litigant-type situation, which would not be good. Although I understand what the Minister is doing, I believe it is necessary to put some sort of barrier in place so that the whole system is not ground down.

Sitting suspended from 7.01 p.m. to 8.30 p.m.

Mr BEANLAND: As I was saying before the dinner recess, I would like some more details from the Minister in relation to this matter, because we do not want to see paedophiles simply using various systems to have their orders revoked.

Mrs LIZ CUNNINGHAM: It is my understanding that it was intended that a revocation would be in circumstances where the offender's situation had clearly changed. The amendment does not allow for that discretion; it allows for any offender to apply to the courts to have a revocation considered. Why was it so difficult not to tighten the circumstances in which a revocation could be sought? Why could a precondition of their going to court not be that there must be tangible evidence that the circumstances have changed? I understand that clause 3 takes the highest test possible, that is, the court has to be satisfied beyond a reasonable doubt. Why could a further precondition for a matter getting to court not be that the person seeking the revocation order ought to be able to show clearly that their circumstances have changed?

Mr FOLEY: In relation to the point raised by the honourable member for Gladstone, the way it is drafted is to require a fundamental change in the original ground for which the order was made. The order is made on the ground that there is a substantial risk that the offender will commit an offence. What this deals with is the circumstances where there no longer exists such a substantial risk. The test which has been applied is a very onerous one indeed, namely, proof beyond reasonable doubt. To answer the question of the honourable member for Gladstone, the whole structure of the amendment contemplates significantly changed circumstances, of which obviously there would have to be evidence to convince the court before the court could be satisfied beyond reasonable doubt.

To deal with the concern raised by the honourable member for Indooroopilly, it is open to the court to issue practice directions pursuant to the criminal practice rules. But as I indicated before, courts are seized with wide-ranging powers to prevent abuse of process and in particular to prevent frivolous and vexatious applications.

Mr PAFF: Although the Criminal Law Amendment Bill has been around for a while, I want to know why the amendment was not shown to us some time ago. We suddenly see amendments being discussed at the Committee stage. It concerns me that this is watering down the Bill.

Mr Foley: We flagged it in response to the Scrutiny of Legislation Committee report and it was published by the Scrutiny of Legislation Committee in a report to all members of this Parliament back in August or early September.

Mr PAFF: I thank the Minister. It concerns me that the Government is watering down the whole purpose of the Bill.

Amendment agreed to.

Mr SPRINGBORG: I move the following amendment—

"At page 5, line 21—

omit, insert—

'(1A) The Attorney-General'."

As I outlined in my speech to the second-reading debate, the Opposition is moving an amendment to ensure that the Attorney-General continues to be the person responsible for releasing information to concerned persons who may establish a need for that information in relation to an offender who is the subject of an order made by the court.

As to the reason we have decided to move this amendment—as I said earlier on, this is a very good piece of legislation because in many ways it builds on and strengthens the current provisions of sections 19 and 20 of the Criminal Law Amendment Act 1945. However, unfortunately, the Attorney-General is seeking to transfer responsibility for the release of information regarding one of these offenders through an order to the Queensland Community Corrections Board, thereby taking the responsibility away from himself. We believe that weakens the intention of the legislation and the responsibility and role of the Attorney-General in this State. Therefore, we ask the Parliament to support our amendment, which seeks to ensure that the Attorney-General, as the chief law officer and the guardian of the public interest, is the person responsible for keeping and releasing this information at his or her discretion when contacted by a person defined under the Act as having a reasonable interest to obtain information about a person who is the subject of one of these orders.

In his summing-up, the Attorney-General indicated that the current system is far too open to political abuse; that transferring it to the Queensland Community Corrections Board will ensure that political considerations will be taken out of it. Nothing could be further from the truth. The Attorney-General is as independent as we can get—or the office is supposed to be. As I also said earlier, the Attorney-General introduced legislation into this Parliament—and it was subsequently passed by the Parliament around the middle of last year—which supposedly ensured that we had an independent Attorney-General. By putting this clause in the Bill, the Attorney-General is weakening the standing of the Attorney-General and undermining confidence in that office by indicating that an Attorney-General is incapable of making the right decision; that it has to be handed over to the Queensland Community Corrections Board, which is appointed on the recommendation of a politician by the Governor in Council.

I would have thought that that would have been a far more overt and substantive political process open to political considerations than the consideration of the Attorney-General in looking to release this information to somebody who has a genuine interest in receiving the information about a person, an offender, who is the subject of one of these orders. I say to honourable members in this Chamber that it is the duty and the obligation of the Attorney-General as the first law officer in this State not to abrogate his responsibilities but to seek to preserve, protect and enhance the responsibilities of the office of Attorney-General in standing up for the public interest and retaining this role.

I have not had advanced to me one genuine or reasonable reason as to why the Attorney-General should hand this responsibility over to the Queensland Community Corrections Board and why they would be in any way less political than the considerations that the Attorney-General has to come up with every day of the week. If members support this amendment, which is a reasonable amendment, to preserve the current status for which the Attorney-General has responsibility for releasing this information, we will have the best of both worlds. This is a good amendment in the Chamber which enhances sections 19 and 20 of the Criminal Law Amendment Act 1945, but it ensures the Attorney-General is the guardian of the public interest and the chief upholder of justice in this State with the responsibility, the integrity and the standing of that office to administer in as independent a way as he possibly can.

Question—That Mr Springborg's amendment be agreed to—put; and the Committee divided—

AYES, 37—Beanland, Black, Connor, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

NOES, 40—Beattie, Bligh, Boyle, Bredhauer, Briskey, E. Cunningham, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Kingston, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Pitt, Purcell

Resolved in the **negative**.

Mr SPRINGBORG (8.49 p.m.): I move the following amendment—

"At page 6, lines 1, 4, 7 and 8, 'board'—

omit, insert—

'Attorney-General'."

This amendment is exactly the same as the previous amendment. I once again briefly point out to honourable members the reason for this. This amendment will ensure that the Attorney-General respects and retains the current historical powers he has as the first law officer in this State. He has responsibility for overseeing that office and making sure that information relevant to recidivist paedophiles is made available to those who can establish an interest under the Criminal Law Amendment Act 1945.

I for one cannot understand why the Attorney-General and members of this Parliament would vote in any way whatsoever to undermine, diminish and weaken the powers and the responsibilities of the very high office of Attorney-General in this State. Nothing can be achieved by ceding responsibility traditionally held by the Attorney-General to the Queensland Community Corrections Board and to rely upon those people to then disseminate information regarding the name, the address and whatever else to the general community about a recidivist paedophile who has an order placed on them.

What advantage is there for the Queensland Community Corrections Board in doing that? Why can the Attorney-General not do it? Why can the Attorney-General, in any sort of decent way, not seek to maintain the conventions, the privileges and the responsibilities which his high office has accrued over centuries? I for one will not support a situation where the Attorney-General in this State is prepared to see that responsibility go to, in effect, a bunch of faceless people who are politically appointed. It is a responsibility he should be keeping himself. I move this amendment and urge all honourable members of this Parliament to support it.

Mr PAFF: I support the statement made by the member for Warwick. I cannot understand why the Attorney-General would want to remove his responsibility—take his hands off the reins—and allow a board to make those decisions. I believe that the Attorney-General should keep the reins in his hands, so to speak, and make those critical decisions so that he can inform the community. I believe that it is the first law officer of this Parliament, who is answerable to the people at the end of the day, who should make that decision. It is the Attorney-General's position in this Parliament to inform the community of what is happening. It is not up to a board that might be appointed to make that decision.

Question—That Mr Springborg's amendment be agreed to—put; and the Committee divided—

AYES, 39—Beanland, Black, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

NOES, 39—Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, J. Cunningham, D'Arcy, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Pitt, Purcell

The numbers being equal, the Temporary Chairman (Dr Clark) cast her vote with the Noes.

Resolved in the **negative**.

Clauses 6 to 10 and Schedule, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Foley, read a third time.

PROPERTY LAW AMENDMENT BILL

Second Reading

Resumed from 23 November (see p. 5148).

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (9.01 p.m.): This Bill is aimed at providing a clear, comprehensive and fair statutory framework for resolving the property and related matters of de facto couples. The Opposition is supportive of legislation which will achieve that aim. There is no doubt that the lack of any comprehensive de facto relationship legislation in Queensland has produced a number of very difficult situations for many people, especially women who have been in long-term de facto relationships but the property remained in the name of the male person. While there are

many legal remedies available to people in such relationships, it is true that to establish equitable title is a costly and complicated business. Obtaining relief under the law of contract or trusts or doctrines of unjust enrichment or unconscionable conduct or equitable estoppel is, of course, open, but at a cost and after a period of time.

The Minister's reasons for codifying the law and ensuring that de facto couples can plan their financial future are sound and are generally supported. In particular, it is prudent that the law in this State recognises the capacity of people to enter into a binding cohabitation or separation agreement, subject to the protections enshrined in this legislation.

There are a number of points that I want to make. As the Minister would realise, the National Party and—according to the conscience vote now to be exercised by the Liberal Party—a number of Liberal members will not be supporting the expanded definition of "de facto spouse" in proposed section 60 to include same sex relationships. I will explain the reasons for our opposition to this piece of legislative social engineering in a moment.

First, it is clear that, whether some people approve of de facto relationships or not, they are a fact of life. The Explanatory Notes point out that in 1991, 9.7% of all Queensland couples were de facto couples, which is 1.5% above the 8.2% Australian average. However, what also needs to be pointed out is that in the period 1982 to 1992 the number of de facto relationships in Australia doubled. In 1971 only 0.6% of all couples in Australia were cohabiting outside of marriage. As I said, just 20 years later, this had increased to 8.2%. No doubt this trend will continue.

Many people regret the fact that increasing numbers of young Australians are not marrying but living in such relationships, but it is now a fact of life. Not only that, but there are many problems that can result when such relationships dissolve. Many problems and injustices can and do occur. It was back in 1980, I think, when the then coalition Government enshrined for the first time in Queensland legislation substantive rights for de facto couples by allowing a surviving de facto spouse to make a testator's family maintenance application. Since that time there have been other attempts at law reform.

In 1990 this Parliament referred power to the Family Court over custody and maintenance of the children of de facto relationships. Then in August 1994 the tragic Moura underground mine disaster highlighted the unfair situation of the de facto partners of the men killed being unable to institute a common law claim for damages for the wrongful death of their partners because they were not listed in the persons entitled to make a claim under the Common Law Practice Act. This led to report No. 48 of the Queensland Law Reform Commission and, from recollection, an appropriate amendment to reflect the recommendations being made. I think that was made by the Honourable the former Attorney-General, the member for Indooroopilly.

So there has been a clear trend in this Parliament for around 20 years to recognise the reality that around 10% of all couples are cohabiting outside of marriage and deserve the same basic rights as all other couples. Not only that, but the history of past legislative initiatives has often been necessitated by clear instances of injustices and the pressing need for appropriate and prompt action to resolve the situation.

I recognise the view that is often expressed that, if the State gives increased legal recognition to relationships outside marriage, this undermines the value of marriage itself. Passing this legislation, however, does not equate a de facto relationship with the bonds of holy matrimony and it is not intended, I am sure, to do so. Rather, from my point of view, it is a practical piece of law reform generally designed to recognise social reality and provide some basic forms of justice to deserving people.

There is also another dimension to this, and it is one which the Minister should bear in mind. People who live in a de facto relationship have deliberately chosen not to become married. There is an inherent freedom of choice in our society for couples to determine what sort of domestic relationship they prefer. A number of bodies that have looked at this matter, including the New South Wales Law Reform Commission in 1993, advocated a continued distinction between the legal rights and obligations pertaining to married couples and de facto couples. Instead, it recommended that the role of the State should be to remedy injustices and reform any anomalies in the law. It stated that there was an obvious policy reason for maintaining a distinction because marriage involves "a public commitment that is not a necessary element" of a de facto relationship.

The lack of a formal public commitment—a legal reference point, if you like—has not just a religious implication, but a very significant legal one, especially when one deals with questions of proof about the nature of a

relationship. This is a point I will deal with shortly, because it has significant implications in the context of stamp duty concessions. Having said that, I suggest that in the scheme of things there is an overriding duty on Parliaments to play a protective role in preventing unfairness and harsh property outcomes in relationships. Taking a protective role is not to be confused with equating de facto relationships with marriage. Rather, it is a recognition of the need for the Parliament to ensure that legal injustices are overcome, especially when such injustices could apply to up to 10% of the adult population of this State.

The second point I make is that the function of the law in the regulation of the financial aspects of family relationships is remedial. It is to effect a just resolution of the parties' financial position when their relationship breaks down. A subsidiary role is to make such relationships more stable. There is no doubt that many relationships break up due to financial issues and worries. Ensuring that there is a just and stable framework to resolve financial issues in the event of problems in such relationships may well, in fact, help to buttress such relationships. So this is another factor that should be borne in mind when considering this legislation.

The next point is that we are now going down the path of non-uniform State legislation and not down the path of referring power to the Commonwealth mainly because, as the Explanatory Notes make clear, the Commonwealth will not be covering same sex couples. I have to say that I am pleased that we will have our own legislation and that we are not referring more and more matters to the Commonwealth. The fact of the matter is, as the Explanatory Notes point out, the Family Court has delays of up to two years for trials. There are delays for trials in the District Court of only six months.

On top of that, under the uniform civil procedure rules, the parties can under this Bill, up to a point, choose a State court to deal with their application. Using the State system is more appropriate, more cost effective and offers decentralised justice. In addition, it ensures that this Parliament can continue to determine the destiny of Queenslanders in accordance with the wishes of Queenslanders as expressed through the ballot box every three years. Nevertheless, it is a matter of concern that the decision to introduce State legislation was, in fact, determined not by these valid factors, but by the issue of same sex couples. I am very disappointed that a matter as important as this has again been determined by social engineering considerations.

I will now deal with some matters in the Bill. The first matter is that the Bill, by proposed section 258, ensures that this legislation is non-exclusive in its operation. It would appear that the right of parties to continue to bring claims under the general law has been preserved. While we support the concept that equitable provisions should continue to play a role in determining de facto property rights, I point out to the Minister that problems have arisen in other States with sometimes conflicting decisions. As time is short, I will not say any more other than that this is an area that warrants ongoing supervision.

In particular, I refer the Minister to a very interesting article written by Professor Bailey-Harris in which she argues—

> "As a system, equity has proved inadequate in providing accessible and just remedies for those whose de facto relationships break down. It has proved unsatisfactory both where it is the primary source of relief, and where it plays a secondary role to statute. Recent experience in Australia leads to the conclusion that equity should be completely supplanted by statute in the field of de facto relationships."

The second matter is the definition of "de facto spouse". I am concerned that the definition in the Bill is wide, open-ended and vague. It provides that two people must have lived together as a couple, and then goes on to say that they are a couple—

> "... if they live together on a genuine domestic basis in a relationship based on intimacy, trust and personal commitment to each other."

I ask the Minister—and I think this is very important—what does that mean? This afternoon I typed the word "intimacy" on my computer and then clicked on the thesaurus, and this is what it came up with—

> "Emotional closeness, closeness, warmth, caring, affection, cuddling, touching and familiarity."

As can be seen from that, our definition of "de facto spouse" is very open and certainly not in accordance with the tradition in this State where it used to be defined as an "ongoing connubial relationship". That is an important point for the Attorney-General to respond to when he sums up.

In that regard, I note that the Scrutiny of Legislation Committee, in Alert Digest No. 15, said—

> "... the term 'de facto spouse' is defined in part by reference to general criteria, and that these necessarily introduce an element of uncertainty into the establishment of the concept."

I compare that definition with the one contained in the New South Wales De Facto Relationships Act which, at least until the last few months, defined this term to mean—

> "The relationship between de facto partners, being the relationship of living or having lived together as husband and wife on a bona fide domestic basis although not married to each other."

It appears to me as though we are going down the same path as the ACT, which applies its Domestic Relationships Act to—

> "Personal relationship (other than legal marriage) between two adults in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other, and includes a de facto marriage."

The Explanatory Notes to the ACT Act make it clear that this statute includes not just same sex relationships but any relationship that goes beyond friendship and neighbourliness—whatever that means.

I would hope that will not come to pass with this statute. One of the risks that one runs with moving away from the concept of a heterosexual marriage to one that is more vague is that a Bill of this nature can be used in ways that are not anticipated and that are not appropriate. This Bill is designed to deal with relationships in the same way as marriage—relationships where there is a substantial intermingling of assets and relationships that may result in family relationships, including children, or at least a parent and child relationship.

I hope that we have not moved so far away from accepted and responsible views of relationships that we would ever contemplate legislation that tries to govern disputes between friends and the like and impose on one of the partners all the drawbacks of deemed regulation and, on the other, windfall rights. That is the risk that we run when we have definitions as broad and vague as the one I have quoted. This problem could have been partially resolved by a properly drafted Explanatory Note. Instead, section 260 is explained in the Notes—and these are Notes that can be used by the courts for assistance in interpreting the meaning of statutes—as follows—

> "Section 260 sets out the meaning of a 'de facto spouse'."

That is a master statement of the obvious. No doubt the Minister could quickly bring out his much used quotes from Alice in Wonderland and find one that is apposite for such a non-definition.

The fact of the matter is that we have a critical definition that goes nowhere. I think that the Minister needs to address this matter clearly and properly in his response. I might also say that the Minister's response to the Scrutiny of Legislation Committee, which is set out in Alert Digest No. 16, is potentially misleading. In it, a decision of the New South Wales Supreme Court is cited in regard to the term "bona fide domestic basis". The court case cited is a very useful one, and the criteria outlined are apposite. However, as I pointed out, the New South Wales definition—at least at the time of the court case—refers to people living together as husband and wife. That critical phrase is totally absent from this Bill, and I would respectfully suggest to the Minister that the explanation which he provided to the Committee is incorrect, or at least inappropriate.

The third issue follows from the second. What we are debating is not just a series of amendments to the Property Law Act, but, in addition, amendments to the Stamp Act. The Minister pointed out in his second-reading speech that exemptions from stamp duty are provided for transfers of motor vehicles and principal places of residence between de facto couples during their relationship. In addition, exemptions are also provided for any instruments that are executed on breakdown of the relationship if made under a court order, including a consent order. I have no problem at all with stamp duty exemptions that flow from a court order.

The relevant officers in the Treasury Department will have a certified document, or series of documents, to work from. The risk of any improper tax avoidance would be nil, or so far as the definition of de facto spouse in this Bill, next to nil. The problem I see lies with exemptions from stamp duties for transfer of motor vehicles and principal places of residence. In particular, I am concerned about motor vehicle transfers.

As I pointed out, the definition of "de facto spouse" is very vague. Public servants in the Office of State Revenue will be placed in a very difficult position when they are presented with claims about transfers of property between people in an alleged de facto relationship. No doubt appropriate

documentation will have to be signed and declared, but at the end of the day, there is the scope for substantial tax avoidance by unscrupulous people.

I am pleased that the Explanatory Notes point out that there has been some form of consultation with the relevant tax parties, because I hope that they will be able to deal with this problem. At least in a marriage relationship, there is some point of reference, some clear documentation and some legal superstructure, if I can use that terminology. With this Bill, there is nothing of the kind. As much as the coalition is keen to regularise and assist people in these situations, the fact is that there are problems of proof and these problems are exacerbated by the very drafting of this Bill. I hope that this matter is kept under review. I also hope that, if problems arise, solutions are produced that do not result in any hardships for people in genuine de facto relationships. As I said, the risk that we run in drafting legislation such as this in such a slipshod manner is that, down the track when problems arise, innocent people will be disadvantaged.

The next issue I want to raise is the concern highlighted by the Scrutiny of Legislation Committee about an application for adjusting interest in property that may benefit the child of a de facto couple. The committee noted that the Bill enlarges substantially the common law rights of the children of such relationships. Unfortunately, the Minister's response to the committee focused on those cases where a child has contributed to the property of such a relationship when the committee was dealing with cases where no such contribution had been made. At paragraphs 6.8 and 6.9 of Alert Digest No. 15, the committee made the following comments—

> "The common law decisions, by way of contrast, have tended to focus on the financial and non-financial contributions (direct or indirect) which the parties have previously made. The new statutory regime requires consideration to be given to a range of matters related to the future needs of the parties, and the committee considers that the Bill, by expressly including future child-care obligations as one such need, will operate to the benefit of the children concerned.
>
> In conclusion, the committee infers from the Minister's response that it is intended a property adjustment order may only be made in favour of children if they have made a contribution to property and that contribution is substantial."

As the Minister would know, the committee has recommended that the Bill expressly declare any intended limitations on the availability of property adjustment orders in favour of children. I do not seek to suggest that the Bill be amended, because there are, or there may be, good reasons for having provisions favouring non-contributing children. In fact, I am sure that I could outline one or two myself. The point that I raise is that the Minister's response did not deal with the point that the committee raised, and I think that the point that the committee raised is an important one. Therefore, I would appreciate it if the Minister could address this issue in his response.

The final substantive point that I wish to make relates to the fact that the Bill is drafted to apply not just to heterosexual relationships but also to same sex relationships. In addressing this matter in his speech, the Minister said that this was dealing with the matter in a non-discriminatory fashion. There is no doubt that this is the case if one approaches it from a narrow and very legalistic point of view. However, many other people would say that the Beattie Labor Government is dealing with this matter in a totally inappropriate, unfair, inequitable and morally vacuous fashion. Many people genuinely interested in law reform in this area recognise that this is a very provocative initiative and designed to attract attention to a particular facet of legislation in a way calculated to arouse controversy and obscure the substance of the measure.

I find it disappointing that since July this year, the Government has launched a media campaign focusing almost solely on recognising gay and lesbian relationships in Queensland's property laws but giving next to no emphasis to de facto law reform generally. In a page 1 story in the Courier-Mail of 17 July, the Premier was quoted as saying—

> "My Government is currently preparing the Property Law Amendment Bill of 1999 ... same sex couples will be recognised in this legislation ... de factos of any kind ... it doesn't matter if they are same sex couples or whether they are heterosexual couples—if they are in a de facto relationship there should be some protection for property."

A few weeks ago I said that I was concerned that the Labor Party was using same sex couples as political pawns, and I reiterate that concern. It is interesting to note that the Government was looking at these reforms last year, but dropped them in the run-up to the

Mulgrave by-election after significant backbench opposition. It is amazing what a majority of one will do to quiet the backbench and encourage the progressive Beattie Government to push ahead with a raft of social engineering policies.

Quite clearly, homosexual persons in a stable relationship who have property disputes, or if there are issues on the death of one of the parties, can rely on the current law. There are a number of current decisions dealing with such issues both here and elsewhere. For example, I refer to the decision of the Queensland Court of Appeal in the case of Harmer v. Pearson, which is reported in 1993 Volume 16 Family Law Reports at page 596. As I said previously, the current law of equity and contract is complicated, arcane and expensive. However, there is a legal regime that provides rights for resolving property disputes in same sex relationships. I think that it is very wrong to suggest that only by the passing of this Bill will homosexuals be granted adequate rights.

The real issue is whether we should combine the issue of heterosexual and homosexual relationships in the one de facto relationships Bill. On this point, I would like to refer to Professor Marcia Neave, who advanced the following point of view—

> "While it is irrational to draw a distinction 'on the basis of the sexuality' of those who cohabit, it is the division of labour which characterises heterosexual partnerships which is a major cause of women's inequality. I do not agree with (the) contention that 'there is no one standard pattern of role diversion for any category of family relationship in contemporary society'. Whether or not they are in paid work, women in heterosexual relationships almost invariably take primary responsibility for housework and child care. I am unaware of any evidence of such systemic role division in homosexual partnerships. Equitable principles will often provide adequate remedies for homosexual partners who make indirect financial contributions or non-financial contributions (not taking the form of domestic labour) to family resources. Thus, for both pragmatic and policy reasons it may be justifiable for statute to focus on heterosexual relationships."

I have quoted Professor Neave, because it is clear that there are a number of points of view across the ideological spectrum that are against mixing in the one generic statute governing de facto rights those of both homosexual and heterosexual couples. Professor Neave points out that there are obvious systemic differences between male and female relationships and same sex relationships. Those differences are well documented and it would be foolish and quite irresponsible to deny them.

How realistic is it to draft a statute designed to deal with the situation, say, of a woman with four children who has lived in a de facto relationship for many years, who is financially destitute and who has no real bargaining power with that of two young middle-class homosexuals who are both earning good salaries and who both have access to professional advice. The reality of heterosexual relationships is clear to every member in this House. This Bill has been drafted with those realities in mind. In those circumstances, trying to apply this model with these inescapable facts of life to other relationships that do not have the same roles and power situations is not sensible.

In addition, the very fact of mixing the two concepts causes immediate definition problems of the type that I have outlined already. The risk that this poses in the longer term is that legislation of this type, with its vague and open-ended definition of de facto spouses, could be interpreted in the years to come in a fashion that will cause social, economic, legal and fiscal problems.

A related problem is that it is clear that there are a number of fundamental differences between heterosexual and homosexual relationships. Apart from the power dimension, homosexual partners do not produce children. They do not have all of the various issues of every kind that involve being a parent and bringing up kids, except in those rare circumstances where one or both of the parties has had children from a previous heterosexual relationship.

To say that this fundamental difference can be ignored when drafting generic legislation dealing with de facto relationships is a nonsense and may cause distortions in the way that such legislation is drafted and interpreted. It is sometimes forgotten that equal treatment under the law, having regard to the different nature of relationships in our society and, particularly, the difference in the nature of relationships between heterosexuals and homosexuals, does not equate with identical treatment. Therefore, treating same sex de facto couples in an identical legal fashion should not be confused with saying that they are being treated equally under the

law. They are two different concepts altogether.

The idea that the one size fits all approach can be applied to regulating all forms of non-married relationships not only causes many problems but also fails to guarantee equality of treatment. There is no level playing field amongst all relationships such that identical legislation can produce the same beneficial results. There are a number of other points I could raise, some practical and some philosophical. However, I will say this: the stance that we are taking is not biased or influenced by homophobia. It is motivated by a sincere desire to ensure that the vast majority of relationships formed outside the bonds of marriage, many of which involve young children, can be appropriately protected by specific and well-directed legislation.

We are not saying that homosexual Queenslanders should be denied their legal rights. Over the past decade, homosexuality has been decriminalised and discrimination on the basis of sexuality prohibited. This is not a case of discrimination. It is a case of recognising the fundamental difference in certain relationships and ensuring that, by social engineering and political opportunism, long overdue legislation for heterosexual unmarried partners is not sidetracked by certain political agendas pushed by the Left Wing of the Labor Party.

I agree with Professor Neave that the sorts of relationships that exist in same sex partnerships are many and varied. They are quite different from heterosexual relationships and I am not convinced that the current operation of the common law and equity does not give those people satisfactory protection. At a time when stable family relationships are increasingly being recognised as fundamental to the maintenance of a sustainable society, it behoves any Government worth its salt to promote family values and to do everything it can to uphold the institution of the family.

Instead, with this Bill we see a preoccupation with a certain type of relationship that is in the minority and an effort to draft key provisions of the Bill in a way that focuses on that minority situation. The extent that this undue attention has resulted in the Bill being drafted in a vague way with potentially unfortunate consequences is an indictment on the competence and priorities of this media-driven Government.

In conclusion, the Opposition supports legislation that gives basic and long overdue protections to de facto couples. To the extent that the Bill achieves this aim, it deserves support. However, as I said, much of the publicity generated by the Government on this initiative has focused not on the 10% of heterosexual Queenslanders in de facto relationships who may benefit from the Bill but on the very small minority in same sex relationships. The way that this Government has promoted the Bill has been divisive and opportunistic. The only people pushing for the expansion of this legislation to cover same sex couples are certain lobbyists and few political opportunists.

This is a difficult issue from a host of legitimate perspectives: religious, legal and financial. I might add that the very genuine religious point of view that many decent people hold dearly should not be dismissed lightly or in a offhanded manner by anyone in this Government. In particular, I note what Archbishop Bathersby said, which is worth quoting for the information of the House. He said—

> "Everybody is equal in the eyes of the law and the eyes of God and there are ways of protecting those rights. However, making rights by comparing other relationships to the family can be an erosion of the importance and protection that needs to be given to the family and the family unit."

I would have thought that a responsible Government that hoped to achieve bipartisan and lasting reform might have focused, initially at least, on introducing legislation that we all could support and then building a base from which further reforms could be sensibly discussed. Instead, we are again presented with a series of media releases and are then dumped with legislation that exacerbates divisions and problems.

This issue is a matter of personal beliefs. Many of us believe that whilst we respect individual homosexual people we do not believe that that respect should go as far as extending recognition in law for homosexual couples to areas reserved for a man and a woman living in a long-term relationship, generally with a number of children. For a Government elected on achieving consensus and sustainable reforms, this is yet another example of how this Government simply cannot deliver.

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (9.35 p.m.): As I indicated earlier today, members of the Liberal Party will have a free vote—a conscience vote—on the Property Law Amendment Bill. A central issue contained in the Bill requires the exercise of moral judgment. In these circumstances, it is

traditional for Liberal Party members to be permitted to vote according to their own evaluation of those moral imperatives, free from the constraints of party political considerations.

Liberal members have asked me to make it clear that they are voting for or against clauses of the Bill, according to their own judgment. They are not voting for or against the Government. In my case, I will not be voting for certain clauses of the Bill. I will briefly explain why.

In general, the Liberal Party believes that the relationship between consenting adults is a private matter, and I support that position. However, it does not follow that every facet of a relationship or any kind of relationship should be treated in exactly the same way by all laws.

Laws often affect people differently. In fact, I suspect that virtually all of the laws passed by Parliaments in Australia affect people differently. That fact does not make the laws unjust or discriminatory. One has to look at the purpose for which the law was written. For example, I take the current property laws. There is no doubt that those laws discriminate between married couples and all other members of society. Those laws came about because, in an industrial society, one partner, generally the female, gave up economic independence to nurture children. It is this asymmetric economic relationship between the wage earner and other family members that the laws were meant to address. There are good societal reasons for protecting family certainty in this way.

If those laws are to be extended to same sex couples, which is the clause of the Bill that I have concerns about, I think it is incumbent on those advocating such a change to demonstrate that same sex couples generally find themselves in a similar economic position as I just mentioned. I have seen no empirical evidence from the Attorney-General to convince me that the current laws cannot adequately address the situation of same sex couples. Until I am convinced of the merits of the case for change, I intend to vote against the proposals before the House.

Mr BEANLAND (Indooroopilly—LP) (9.37 p.m.): This Bill represents a significant legal reform in the area of property law. It will bring a measure of equality to our law and will overcome a long-standing injustice. In spite of all this, it is unfortunate that these important reforms have been overshadowed by the debate on their application to same sex defacto couples.

The Liberal Party has long maintained the tradition that, on moral issues, individuals should maintain the right to hold, express and vote in accordance with their individual views. They should not subordinate their personal opinions simply to conform with the views of the majority.

Approximately 20 years ago in this Parliament, members of the Liberal Party, the National Party and the Labor Party voted together to defeat amendments to strengthen the State's laws on abortion. Members on the other side of the House were opposed by members of their own parties. It was one of those occasions when the Parliament functioned as it was originally intended to function, without the constraints of party discipline. I do not propose that the extension of that practice to all legislation would necessarily be in the best interests of Queenslanders. In more recent times, we have seen a number of conscience votes in the Commonwealth Parliament.

On matters of individual morality, I believe that it is important that members of Parliament should enjoy the same rights as do other members of the community. If members of Parliament are to interpret community morality and translate that into legislation, they should do so unfettered by the demands of the majority. The Liberal Party does not believe that those demands should be pre-eminent in this instance. For that reason, members of the Liberal Party will be voting on this Bill according to their conscience. Furthermore, I have noted that this year's Liberal Party Queensland convention voted in support of extending property rights as contained within this legislation to same sex couples.

It is a matter of regret that this issue has resulted in more heat than light being generated. While there is a place for emotion in any public debate, there is no justification for that debate being the captive of such emotion. The substantive policy issue—extending to same sex couples property rights which are to be enjoyed by opposite sex couples—is quite simple. However, it may be instructive to consider what this Bill does not do.

Firstly, it makes no comment on the institution of marriage. Laws relating to marriage are the sole responsibility of the Commonwealth Parliament. This is set out clearly for all to see in section 51(xxi) of the Constitution of the Commonwealth of Australia. There is no room for the States to legislate in relation to marriage. I should add that I do not believe there is any widespread community support for extending the rights of

marriage to same sex couples. However, should any change be contemplated, I would vigorously oppose it.

The second point to note is that this Bill makes no judgment on the merit of particular lifestyles or behaviour. There is no question of punishment or reward in this Bill—all people are being treated equally. I am surprised that some people still believe that others engaging in perfectly legal conduct should be punished by the State by being compelled to engage in costly and time-consuming legal proceedings to resolve disputes. This is an outdated view more in tune with the social mores of the Middle Ages than with contemporary Australian society.

The third point is that there is no notion of compulsion associated with this legislation. Whatever our personal views on particular lifestyles, this Bill will in no way change the way in which the majority of Queenslanders act or think. The notion that this Bill represents the opening of the floodgates is alarmist, and just plain wrong.

Fourthly, this Bill does not confer on one class of people rights not to be enjoyed by other classes of people. Indeed, the strength of this Bill is its grounding in the view that those in de facto relationships should enjoy equal rights irrespective of their sex or sexual preferences. Those who object to this concept should nail their colours to the mast and seek to outlaw de facto relationships in their entirety rather than working against these moves towards equality. This is what this Bill does not do. Those who rely on these arguments appear to have paid little attention to exactly what is in the legislation.

What this Bill does do is introduce an element of equality into aspects of property law for sound reasons of public policy. I should point out that this legislation is far from radical. It is similar to legislation that has existed in other Australian jurisdictions since the 1980s. It recognises a contemporary reality, that is, a growing significant minority of adult Queenslanders have chosen to enter into de facto relationships. To fail to do this imposes significant social and economic burdens on individuals and the community at large as those individuals seek to secure their legal rights.

The Queensland Law Reform Commission reported on de facto relationships in June 1993 and detailed the legal shortcomings that the existing law imposed. In short, that law compelled a surviving de facto partner to submit himself or herself to a costly and uncertain legal process in an effort to have their property rights protected. While this is unjust and unnecessary in itself, there is a second aspect which should not be ignored. It is simply this: what possible advantage is there for individuals or the community if some people are compelled to go through this process while others have legally enforceable rights which do not require interminable court appearances, expense and delay? The answer is equally simple. There is no good reason in 1999 to make this distinction. Our legal system has enough burdens imposed upon it without having to contend with this sort of pointless and non-productive encumbrance.

Moreover, as the Queensland law Reform Commission noted, the Queensland Anti-Discrimination Act 1991 prohibits, with some exceptions, discrimination against a person on the grounds of lawful sexual activity. Furthermore, homosexual acts in private between consenting adults were legalised in 1990.

I believe it is important to reassure Queenslanders that this legislation is not an open invitation to immorality. No reading of the Bill would encourage the view that it is. However, with so many of these issues few actually read a Bill and therefore become subject to the partisan opinions of those pushing one political barrow or another.

The Bill insists that there be evidence of a long-term relationship before the benefits of the Bill can be relied upon. In fact, a court can make a property order only if—

> firstly, the de facto spouses have cohabited for at least two years;
>
> secondly, there is a child of the de facto spouses under 18 years of age; or
>
> thirdly, the applicant has made substantial contributions to the property or financial resources of the de facto spouses or to family welfare and failure to make the order would result in serious injustice to the applicant.

These are totally reasonable provisions and ones which will act in the legitimate interests of all parties. I do not believe they provide any cause for alarm, although I would have preferred to have seen a longer period for cohabitation. I should contrast the inclusive up-front attitude of the Minister for Justice on his matter with the secretive and uncooperative stance of his colleague the Minister for Families, Youth and Community Care and Minister for Disability Services in relation to the Domestic Violence (Family Protection) Amendment Bill one month ago.

In conclusion, I support this Bill. It introduces a needed element of equality. It will benefit individuals, it will reduce the trauma and costs associated with many legal proceedings and will be of value to the entire community.

Mrs SHELDON (Caloundra—LP) (9.45 p.m.): In Australia there appears to be a growing trend for couples to enter into de facto relationships as a precursor or alternative to first marriage and as an alternative to remarriage following separation or divorce. In 1997 de facto partners represented 9.1% of all persons living in couple relationships. Upon the breakdown of a relationship, married couples have recourse to mechanisms under the Commonwealth Family Law Act 1975 to resolve property disputes. In Queensland, because there is no statutory relief available, the resolution of property disputes upon the breakdown of a de facto relationship is governed by the common law. Although a number of common law remedies may be applicable in these situations, these remedies are often difficult to apply in practice.

A number of other States have moved to strengthen the legal position of de facto spouses upon the breakdown of their relationship by the enactment of legislation. New South Wales, the Australian Capital Territory, Victoria, South Australia and the Northern Territory have each enacted legislation dealing with the rights and duties of partners in a de facto relationship. The resolution of property disputes between de facto spouses in Queensland is currently governed by the common law. A wide range of common law remedies is available to a claimant in this situation, including resulting trusts, constructive trusts, estoppel, express trust, charge, unjust enrichment and contract. That situation has proved to be problematic. The availability of such wide-ranging and varied causes of action is not necessarily advantageous to the claimant or the claimant's legal representatives. The claimant may choose which action to plead and it may not be entirely clear which cause of action will be best suited to the particular circumstance of his or her case.

In Queensland, the remedy of most significance is constructive trust on the grounds of unconscionability. This remedy was laid down in the landmark High Court case of Baumgartner v. Baumgartner in 1987. The hallmark of this remedy is that the conduct of the legal title holder must be unconscionable. In this case, the de facto husband asserted that the contested property, which was financed in part through pooled funds, was his sole property to the exclusion of any interest of the de facto wife. This assertion amounted to unconscionable conduct. Subsequent cases have applied the principle laid down in this case and awarded a de facto partner a beneficial entitlement in property.

Some of the factors that need to be present before the courts will proceed to impose a constructive trust are the pooling of financial resources for joint benefit, for example, to make mortgage repayments and pay household expenses, contributions in the form of labour to a business or the renovation of property, contributions in the form of home making or parenting. It is not yet clear from the case law whether home making or parenting contributions alone will be sufficient to found a constructive trust.

The application of the common law in this area of de facto property law still has difficulties. For example, it is impossible to define the precise types of conduct that courts will consider unconscionable. This makes it difficult to predict whether a constructive trust will be imposed in a particular situation and the extent of the beneficial entitlement under the constructive trust. It is believed that people having an undoubted moral claim to another's property are still unlikely to litigate unless the claim is sufficiently large and has a reasonable prospect of success.

In the early 1990s the Queensland Law Reform Commission reviewed the law governing de facto relationships. In the course of its review, the QLRC noted that injustices could occur in the resolution of property disputes between de facto couples because of the inadequacies of the common law. Therefore, the QLRC recommended the enactment of legislation in Queensland to more fairly and equitably resolve financial disputes on the breakdown of a de facto relationship. To this end, the QLRC addressed the following areas: adjustment of property interests, the maintenance rights of de facto couples, cohabitation and separation agreements, declarations about the existence of a de facto relationship, mediation and arbitration, and jurisdiction and powers of courts.

According to the Explanatory Notes provided by the Attorney, the Property Law Amendment Bill 1999 reflects certain provisions of the QLRC draft legislation with respect to adjustments in property. The QLRC also made recommendations in the concept of de facto relationships. In its draft legislation, the QLRC proposed a definition of "de facto relationship" that extended to both

homosexual and heterosexual unmarried couples. In recommending that the draft legislation govern both homosexual and heterosexual married de facto couples, the commission also had regard to changing legislative attitudes concerning homosexual relationships. It also noted that the Anti-Discrimination Act 1991 Queensland prohibits, with some exceptions, discrimination against a person on the grounds of lawful sexual activity. The QLRC therefore reasoned that it would be inappropriate to discriminate against homosexual de facto couples by denying them the benefits and responsibilities to be imposed by the proposed legislation.

The QLRC further noted that, because homosexual couples are unable to marry, such couples are restricted to common law remedies to resolve any disputes that arise on separation. The QLRC included provisions for the adjustment of property interest in its draft legislation. The provisions which set out the matters that the court may take into account in altering interests in property were modelled in the equivalent provisions of the Family Law Act 1975 Commonwealth.

The Property Law Amendment Bill, to some extent, has extended and codified the common law relating to de facto property distribution. The Scrutiny of Legislation Committee has noted that the extension of the rights currently available at common law could operate to the detriment of a de facto spouse who holds the sole legal title to relevant assets. The Bill also discusses de facto relationships, and the Bill applies to de facto couples of the same or the opposite sex. This application results from the definition of "de facto spouse" which is spelt out in clause 260, which states—

> "A 'de facto spouse' is either 1 of 2 persons, whether of the same or the opposite sex, who are living or have lived together as a couple."

Clause 260(2)(a) states—

> "2 persons are a couple if they live together on a genuine domestic basis in a relationship based on intimacy, trust and personal commitment to each other."

However, a person who is merely a cotenant does not fall within the definition, and we see that in clause 260(2)(b).

As pointed out by the Scrutiny of Legislation Committee, the definition of the term "de facto spouse" is couched in somewhat general terms. In the committee's view, this element of uncertainty in the establishment of the concept is necessary. This is because de facto relationships arise not from a formal legal step such as marriage but from the circumstances of the relationship in each case. It is also noted that the definition of "de facto spouse" in this instance is similar to the relevant part of the amended definition of "spouse" in the Domestic Violence (Family Protection) Act 1989 Queensland.

We need to look possibly at what happens in other jurisdictions, and I will quote New South Wales as an example. In June 1999 New South Wales enacted the Property (Relationships) Legislation Amendment Act 1999. This Act made significant amendments to the De Facto Relationships Act 1984. The provisions of the Act were broadened so that they applied to parties in relationships of a more widely defined class of persons, and the amended De Facto Relationships Act 1984 was renamed the Property (Relationships) Act 1984 to reflect these changes.

That Act covers parties in a domestic relationship including a de facto relationship or a close personal relationship other than a marriage or a de facto relationship between two adult persons, whether or not related, who are living together, one of each of whom provides the other with domestic support and personal care. A de facto relationship is redefined as being a relationship between two adult persons who live together as a couple and who are not married to one another or related by family. In deciding whether two persons are in a de facto relationship, all the circumstances of the relationship are to be taken into account and a non-exhaustive checklist of matters to be considered is included.

The Bill also looks at property adjustment orders. The Bill establishes a statutory mechanism under which a de facto spouse can apply to a court of relevant jurisdiction after a de facto relationship has ended for an order to adjust the property interests of either or both de facto spouses. The purpose of a property adjustment order is to facilitate a just and equitable property distribution. The right of a de facto spouse to apply for a property adjustment order is not automatic in contrast to similar rights arising from a marriage. The Bill sets out the criteria that a de facto spouse must satisfy to be entitled to apply for an order. A court can make a property adjustment order only if the de facto spouses have cohabited for at least two years; there is a child of the de facto spouses under 18 years or one spouse has made substantial contributions to the property of financial resources of the couple or to the family welfare; and failure to

make the order would result in serious injustice to the applicant.

The Bill also permits the court to make any property adjustment order it considers just and equitable. In deciding what is just and equitable, the court must consider the following matters, and there are certainly a number of them and I will go through some of them: financial and non-financial contributions made directly or indirectly by or for the de facto spouses or a child of the de facto spouse to property or financial resources; contributions to family welfare; effect on future earning capacity; child support; and, other relevant court orders. Additional matters that are listed include age and health, resources and employment capacity, caring for children, responsibility to support others, length of the relationship and child maintenance. I do not think child maintenance is necessarily covered in this Bill, but the Law Reform Commission did refer to it. Finance resources include a prospective element such as a future entitlement to superannuation, resignation, termination or retirement benefits. The Bill also makes it clear that the contributions to family welfare include home making or parenting contributions made by either of the de facto spouses or a child of their union.

The Bill does cover a number of other issues which, in the confined time we have to speak tonight, I will not cover. I think I have covered the main ones. I do support the Bill, especially the provisions as espoused by the Queensland Law Reform Commission. I believe in the essence of what Liberal Party philosophy is all about—that is, of tolerance and of acceptance of people's lifestyle even though they may be different to our own, particularly if they do not impinge in any negative way on the lifestyle of others. We should not make moral pronouncements on them, nor should we say that we are right and they are wrong. I support the context of this Bill. As a Liberal, I will be supporting it when the vote is taken.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! Before we move to the next speaker, I recognise in the gallery tonight the teachers and staff of Petrie State School.

Mrs LAVARCH (Kurwongbah—ALP) (9.57 p.m.): I commend the member for Caloundra and the member for Indooroopilly for supporting the Property Law Amendment Bill. As someone who practised as a solicitor specialising in family law prior to election to Parliament, I speak on this Bill drawing heavily from that experience. The Property Law Amendment Bill is an important piece of legislation as it will potentially impact on the lives of hundreds of thousands of Queenslanders who live in de facto relationships. It is worthwhile and long overdue reform of arcane and complex laws and doctrines that are applied to the distribution of property when a de facto relationship breaks down.

While it is a Bill which deserves the support of the House, it does mark a series of failures in the legal and governmental structures of Queensland and Australia. I speak on this Bill with a sense of disappointment about good reform which could have been done so much better. The principal source of my disappointment is that the Family Court will not be the forum which will be responsible to hear and determine cases of de facto property disputes, but rather such matters will be heard within the State courts. I will explain a little later why I believe the Family Court is the better option.

The second ground for disappointment is that the Bill shows starkly, and once again, how poorly the Australian Federal system of government responds to matters which require cooperative and coordinated action by six States and the Federal Government. It is another example of the uniform rail gauge syndrome which bedevils Australian federalism.

The final reason for disappointment is the sheer time that it has taken this Parliament and successive Queensland Governments to finally legislate to fix what has been for several decades a clear deficiency in our laws. Years have passed, and thousands of people have been disadvantaged and unnecessarily distressed by political failure. Of these thousands of Queenslanders who have been harmed, the greatest hurt has been experienced by women and, in many cases, the children for whom they are responsible. In short, what this Bill does is to legislate a regime of rules to guide either the Supreme, District or Magistrates Courts in dividing property held by de facto couples on separation. In doing so, it creates a clear and understandable set of principles, whereas at the moment the law is to be found in an amalgam of common law and statutory rules governing the laws of contract, trust and equity.

In contrast to the law applying to married couples, the law applying to de facto relationships at present places the partner in whose name the property is held in a vastly superior position. It means, for instance, that a woman who has contributed both in financial

and non-financial terms to the acquisition of a home is severely disadvantaged if that home is in the name of the man alone. To receive a fair distribution from the value of the property based on her contribution, the woman would most likely need to rely on the law of constructive trust via the Queensland Supreme or District Courts if a dispute arose at separation. A married person faces no such legal burden to add to the emotional distress which accompanies the ending of a major and long-term relationship. This Bill will overcome this injustice, and for this advance the Attorney-General is to be commended. But it could have been better. Let me explain why.

The Australian Constitution gives to the Federal Parliament the power to make laws in relation to marriage. This has seen the Commonwealth legislate for marriage and the breakdown of marriage, and since 1959 and the passage of the Matrimonial Causes Act such laws have recognised the need to divide property regardless of in whose name title in the property is held. These principles are currently found in section 79 of the Family Law Act. The Commonwealth, however, has power in relation to couples who are, or have been, legally married. De facto couples do not fall within the Commonwealth legislative power and have been left to the mishmash of State laws, to which I referred before.

It might have been legitimately argued that until social changes of the 1960s and the 1970s, the number of couples living in long-term de facto relationships was quite small and there was little need for laws to govern property division in the event that such relationships ended. Equally, there have been arguments raised on moral and other grounds that there should be no specific laws on de facto relationships as a matter of public policy. There are most likely still some members in this House and in the community who argue this today. While I can appreciate this view, I cannot support it. In any event, almost 12% of Queensland couples are in de facto relationships, and that includes same sex couples. Twelve per cent of the population is far too big a slice for the Parliament to shut its eyes to.

Once it is concluded that the laws governing de facto relationships are inadequate and in need of reform, the question is then asked: what form should the law take? It is here that the Bill takes, in my view, the second-best rather than the best choice. The Explanatory Notes refer to there being three alternatives open to Queensland for de facto law reform, namely—

referring power to the Commonwealth;

seeking uniform legislation; and

enacting Queensland legislation.

This Bill is, of course, the third course. In my view, referring constitutional power to the Commonwealth is the best course, and it is disappointing that it has not been—and apparently cannot be—taken. The Constitution allows the States to refer areas of State responsibility to the Commonwealth Parliament. Clearly, our founders recognised and foresaw that the division of powers between the Federal and State Parliaments created in the Constitution might need amendment over time and provided a number of mechanisms for this to occur, including State referral of power. It was this course which was adopted by the States in 1992, when jurisdiction was given to the Family Court to make orders about children of de facto relationships. This means that the Family Court can determine issues about the residence of children and the contact the children have with the non-residential parent, irrespective of whether that child is born to a married couple or a de facto couple. This, of course, makes sense. A child should not be legally disadvantaged based on the lifestyle choices of their parents.

Mr Lucas: Absolutely.

Mrs LAVARCH: I thank the member for Lytton.

Equally, the Family Court is equipped with counselling and mediation services designed to safeguard and give priority to the best interests of the child. There is no such counselling service attached to the State courts. The referral of power was agreed by the States at the Standing Committee of Attorneys-General. It followed a prolonged process of negotiation of Commonwealth/State relations, but it did get there in the end. If the children of de facto couples are now governed by the Family Court, why should property issues of de facto couples also not be handled by the Family Court? Certainly this was the view of the Queensland Law Reform Commission when asked by Attorney-General Dean Wells in 1990 to advise on de facto relationships. The commission recommended that the Family Court be given jurisdiction either by means of cross-vesting legislation or preferably by referral of constitutional power. Of course, given the recent High Court decision on cross-vesting, it is the referral of power which would be the surest legal path available to this Parliament.

This recommendation was picked up by the Goss Government and proposed to Parliament in the Commonwealth Powers Amendment Bill 1995. That Bill, as noted in the Explanatory Notes, lapsed when the Parliament was prorogued at the time of the 1995 election. The same recommendation was made by the Federal parliamentary committee which reviewed the Family Law Act in 1994. The Keating Government accepted that committee's recommendation. Why then does this Bill reject this course?

The Attorney's second-reading speech does not canvass the issues, but the Explanatory Notes comment that—

> "A referral of power is not possible at this time or in the foreseeable future."

SCAG rejected a proposal from the Law Council of Australia for uniform legislation, and only two jurisdictions—the ACT and Tasmania—indicated at the November 1999 SCAG meeting interest in a Commonwealth proposal for referral of power on a State by State basis. I am a little surprised that Queensland, given the position it adopted in 1995, did not apparently also express interest in the referral of power. Maybe concern about the delay in the Commonwealth enacting legislation, together with the failure of the Commonwealth to commit to legislate for same sex couples, are the reasons for our lack of interest.

As I mentioned earlier, the end result is a failure of Australian federalism. We have an unsatisfactory outcome which will feature—

> de facto children issues being determined in the Federal Family Court; and
>
> maintenance or support for children being determined by the Federal child support regime, but de facto property being determined by a State court.

Inevitably, in some circumstances, proceedings arising from the one relationship will need to be taken in two separate courts at the same time. It would be open for the parties to give their consent to a State Magistrates Court to determine both children and property issues, but in difficult contested matters it would be most likely that two courts would be involved. Whilst this is unsatisfactory, complicated and costly, it is not, to my mind, the worst outcome. What is most disappointing is that de facto couples will not have access to a specialist counselling service and conferencing mechanisms to help resolve property issues. It is the counselling service and conferencing mechanisms which mark the distinct philosophy of the Family Court and make it the best forum to handle the aftermath of failed relationships. With no State Government counselling, the State courts and, more importantly, Queenslanders will be at a disadvantage. I hope that the Attorney-General will continue to press his counterparts at State and Federal levels to achieve a comprehensive outcome based upon the referral of powers to the Commonwealth.

The terms of the Bill in itself contain good reform of the law. In large measure, the Bill picks up concepts and principles contained in the Family Law Act. I note that it recognises cohabitation agreements and separation agreements which reflect the announcement at the Federal level of the intention to recognise pre-nuptial agreements. The Bill, however, does not attempt to pick up other mooted or announced changes in the family law property scheme—for instance, the assumption of equal contributions to the acquisition of property.

Further, the Bill does not deal in a comprehensive way with the issue of superannuation. As time passes, superannuation entitlements, along with the family home, will become the most common and valuable asset or financial resource in a relationship. The rights to superannuation have long been a difficult issue for the Family Court, and the Federal Government has been unable to propose a final legislative approach.

These mooted changes to the Family Law Act have come about through recognition that the Family Law Act has long been a source of difficulty, inconsistency and injustice for women. Extensive research undertaken through the Australian Institute of Family Studies throughout the 1980s—and I believe that some further research has been done in the 1990s—shows that the cost of marriage breakdown is still disproportionately borne by women. Now, if after 25 years of the Family Law Act and the Family Court recognising future needs and non-financial contributions of women, there still exists widespread poverty for women after divorce, it does not take much of an imagination to work out what the situation is now for women after the breakup of a de facto relationship. This Bill seeks to address and assist women by incorporating the principles underlying a property division under the Family Law Act. However, I wish to highlight that as the Family Law Act moves to address these issues—and I truly hope that it does—Queensland will have to regularly amend its laws to keep up with what is happening under the Family Law Act, or the same disparity which led to this law being brought into the

House in the first place will again become apparent.

In summary, I have outlined why I believe that the good reform under this Bill should be supported. I have also outlined why even this good reform could have been made better for the women of Queensland. It is my hope that we will continue to work in this area to address any inequalities that arise.

Mr CONNOR (Nerang—LP) (10.11 p.m.): I rise to speak on this debate in a bit of a quandary on the basis that in no way, shape or form do I want to be seen to be condoning a homosexual lifestyle. I do not want to be seen to be acknowledging it as an acceptable way of life. I do not want to be seen to be accepting it as a lifestyle that should be promoted. But at the same time, the fact remains that in 1990 Queensland legally recognised homosexuality. That legislation is there. It has not been repealed or revoked and, at law, homosexuality is recognised. I cannot change that; that is the law of Queensland. That being said, if that is the basis upon which Queensland legislation operates, then what we are talking about here is quite academic; that is, if homosexuals are recognised, to not then accept that they have property rights would be discriminatory. It is a natural progression.

I will take a couple of steps back to 1990 and look at the Liberal Party's position as it was back then. We acknowledged that the Liberal Party is a broad church and that a conscience vote on these types of issues was the Liberal Party's way. In other words, we would be liberal and understanding on issues of a moral nature. Some honourable members may recall that the Liberal Party allowed a conscience vote and that some members of the Liberal Party voted one way and some voted another. They voted according to their conscience. They voted on what they believed in.

There is nothing easier in Parliament than to toe the party line. It is very easy to hide behind a joint party position and simply say, "I had to vote that way because that was the party position." I have been going to Liberal Party State conventions now for many years, and at no stage that I can remember was there a resolution that said that the Liberal Party was opposed to property rights for certain sections of the community. I am not aware of any resolution of that sort moved by the Liberal Party. So Liberal members of Parliament have both the freedom and the heavy responsibility of having to decide this issue based on their conscience, based on their own personal beliefs.

That sort of situation does not occur often for a member of a parliamentary party. I know that the member for Gladstone and the member for Nicklin have had to go through this situation over and over again, and I commend them for the difficult circumstances in which they have to live in that each issue has had to be decided by themselves; they have had to take the responsibility and the potential political flak for their decisions.

The issue that we are deciding here today is one of the rare occasions when Liberal Party members are put in the same position as Independents. It would be very easy to toe the party line. But in this case, the Liberal Party does not have a party line and so one has to make one's own decision. I see this issue as fundamentally different from one that was dropped on us a couple of weeks back in relation to domestic violence. The Labor Party made it very easy for members of the Liberal Party in those circumstances because it did not introduce its amendment in sufficient time for it to be considered. So we could quite legitimately and reasonably oppose that amendment on a procedural basis. Quite simply, we did not have time to consider it. On that basis we could vote as a bloc purely on a procedural basis.

However, in this case we are dealing with an issue that has been on the table for sufficient time for it to be considered and for the implications to be reasonably clear in the minds of members of the Liberal Party—hence the conscience vote. I might remind the Parliament that in 1990 I voted against the homosexual law reform legislation. I exercised my right to a conscience vote and, at the time, I decided based on my conscience. However, that was nine years ago and a lot of water has passed under the bridge since then.

I must admit that, even at that time, I did not have any major concerns with homosexuality per se. As far as I was concerned, what people did in their own bedrooms was their own business. What I was concerned about at the time—and possibly it was ill founded—was that homosexual law reform in Queensland would lead to the forceful annunciation and promotion of a homosexual lifestyle. That has not occurred. My fears, up to a point, were unfounded. I guess it is because of the natural conservatism of Queensland that this did not eventuate. That is the point I am making, that even back in 1990 it was not homosexuality per se that I

was concerned about; it was the promotion of a homosexual lifestyle.

Based on that determination back then, I then posed the question: will non-discriminatory property rights in any way promote a homosexual lifestyle? In the scheme of things, extending property rights to homosexuals is nowhere near as groundbreaking as the legalisation of homosexuality. Yet, in a conservative State such as Queensland, this did not lead to a wholesale promotion of a homosexual lifestyle. So it seems highly unlikely that the minor recognition of non-discriminatory property rights is going to have anywhere near the impact of the 1990 changes. As I said before, the 1990 changes did not eventuate into anything like the outcomes that I feared. So these reforms, I believe, are highly unlikely to be significant.

But on the other hand, I do not want to be seen as making a value judgment of those who decide to vote against this aspect of the Bill because they have to come to a conclusion on whether they believe that this aspect of the Bill will have a negative or positive impact on society. If they believe that it is a negative and they are voting in the best interests of the community, so be it. While I may disagree with them, I wholeheartedly support their right to vote according to their conscience.

I guess it is a bit of a leap of faith and, I guess, a responsibility of the homosexual community to not use this additional concession as an acceptance of their lifestyle, because it is not. As I see it, it is simply a natural progression from the 1990 legislation. From my point of view, it is also a value judgment that it will not lead to the homosexual community indulging in excesses that will undermine the basic fabric of our society. As I said before, the much greater leap of faith in 1990 did not lead to that. So I am basing my judgment on that.

Members of this House will quite rightly quote Scriptures and other foundations for their decision to vote the other way, and they may be right. Only time will tell. But by the same token, members of the clergy have gone far further than I believe I am going, and that is accepting the legalisation of homosexuality. I think it is important that I reiterate that what I am saying is that the decision is a fait accompli, that homosexuality is legal in Queensland. That decision was made in 1990—nine or more years ago. That legislation has not been overturned nor have successive Governments even tried to overturn it. It has stood the test of time and different Governments.

We are not debating here whether or not homosexuality should be legalised; we are saying that, on the basis that it is legalised and if people are living in a legal relationship, they should have the same rights under property law as other members of the Queensland community who are equally living within the law. As I see it, it is a natural progression.

I have little doubt that certain parts of the media will see my decision to support this clause as, in effect, crossing the floor against the coalition. Nothing could be further from the truth. What I am doing here today is exercising a fundamental tenet of the Liberal Party philosophy, and that is the right to vote on conscience—a philosophy that drew me to the Liberal Party in the first place and possibly one of the greatest strengths of the Liberal Party. As I said before—John Howard's broad church. I have little doubt that some members of the media will decide to see this as a member of the coalition crossing the floor, but they will be wrong; they will be misleading their readers and they will be intellectually inept in their interpretation of what has gone on here.

What I am doing here today is probably not the wisest political move that I can make, but I accept that. It is much easier to go with the flow, keep one's head down and not get noticed. But at the same time, all of us have to live with our consciences. In this case, on the basis of a conscience vote for the Liberal Party, there is nothing to hide. As a member of the Liberal Party, on such issues as this one is to be counted on the basis of one's own personal beliefs.

I have a certain sympathy for the member for Bulimba, Pat Purcell, and his inability to follow his convictions and conscience in relation to prostitution law reform. Certainly he was in a position to make his feelings well known in the public arena, and I commend him for that, but at the end of the day he was locked into a party machine and a block vote that did not always reflect the conscience of the individuals involved. That, as I see it, is a weakness in the Labor Party. Many opposite may not agree. As I see it, it is a great strength of the Liberal Party—the ability to have people who have to face the repercussions of making a value judgment based on their conscience.

I believe that the Liberal Party is a proud institution. By the same token, I think the Labor Party is, too. It has its folklore, its heritage, its philosophies, its policies and its positions. While they are occasionally in conflict with ours, for the majority of the time

they are the same. It would be a sad world and a poorer Queensland if we only had one point of view, only one party and only one philosophy.

In Queensland, and Australia, our robust democratic systems allow us to have competing political philosophies and I believe Australia is much stronger, safer and more secure as a result. One has merely to have a look at many other parts of the world and see how they have faced many of their problems. Often their systems have collapsed. Australia's and Queensland's political system is robust. It has stood the test of time. All of us here, on both sides of the House, and the general public, benefit greatly as a result. Political stability and the ability to resolve our differences in debate in this House is the fundamental foundation of our system. All of us, and our children and our children's children benefit accordingly.

We live in a great State. We live a lifestyle second to none. On this occasion, because of my conscience and my ability and right to be able to do so, I will be supporting the Bill.

Mrs PRATT (Barambah—IND) (10.22 p.m.): The Property Law Amendment Bill, which relates to de facto couples, is to be commended except for one small section. No-one denies the right of all people to equal rights in the event of a breakdown in a relationship. As was stated earlier, de facto relationships are often the first step of a couple on the road to marriage. Sometimes these relationships fail, as do many marriages, and it is usually up to the courts to decide who gets what, where and how.

Looking at the speaker's list for this debate I noticed a contrast in comparison with previous Bills which have included same sex definitions for "spouse". I find it amusing that so many honourable members have become so quiet in respect of this Bill. I do not blame anyone. I suspect honourable members have their reasons for doing so.

This is a conscience vote. However, we are all here to represent the people who sent us to this Parliament. I have a stack of letters in my possession and I would like to read one of them to the House. The letter reads as follows—

"To The Premier
The Hon. Peter Beattie
Parliament House
Brisbane Qld 4000

Re: Recognition of homosexual relationships in Law

Dear Mr Beattie

On Friday, November 12th 1999 The minister, the Hon. Anna Bligh, tabled an amendment to the Domestic Violence (Family Protection) Bill 1999. In this amendment Minister Bligh attempted to have the definition of 'a spouse' altered from 'a male and a female' to either 'one or two persons, whether of the same sex or opposite sex,'. This amendment was passed.

I hereby formerly protest the inclusion of this definition of 'spouse' which desanctifies the honourable estate of marriage and deems it as equal to that of deviant and socially destroying behaviour. Although we tolerate homosexuality I do not want this activity legitimised by inclusion in legislation.

I ask that this amendment be removed from the Domestic Violence (Family Protection) Bill 1999 forthwith."

Those 399 letters have all been signed. I seek leave to table these letters.

Leave granted.

Mrs PRATT: Those letters represent a strong message from my community. I believe the views of my constituents should be taken into account. The member for Kurwongbah stated that 12% of couples in Queensland are de facto couples. How many of those relationships are heterosexual and how many are homosexual? I believe homosexual couples would represent a very small percentage. The people who oppose the homosexual definition of "spouse" being enshrined in law are also members of the community and they deserve recognition.

Basically, that is all I want to say. As I have said previously in this House, I do not condone homosexual relationships, but I do not condemn them either. These people live with their own consciences, as do all honourable members in this House. We must all stand up for our personal beliefs. I stand up for the people of my electorate who have asked me to come here and convey their message to this House.

Mr FELDMAN (Caboolture—ONP) (10.24 p.m.): It is indeed a pleasure to be able to rise and contribute to the debate on the Government's Property Law Amendment Bill 1999. In hindsight, the Bill is commendable in part—and in part only—because of the fact that the number of de facto relationships has grown significantly over the years. One Nation recognises that counteractive legislation is required to protect the property rights of

couples participating in a de facto relationship. We also recognise that Queensland is one of the last States to introduce legislation of this nature. The reasons for the reluctance are obvious, and I will go into that in more detail later in my speech.

One Nation supports the majority of the clauses contained in the Bill. We support the concept that the courts can make a property adjustment order only if it they are satisfied that the de facto spouses have lived together in a de facto relationship for at least two years, or there is a child of the de facto spouses under the age of 18 years. We also support clause 291, whereby the courts must consider the financial and non-financial contributions made, directly or indirectly, by or for the de facto spouses, or a child of the de facto spouses. We accept the definition of "de facto relationship" being a relationship between de facto spouses.

One Nation definitely does not support the definition of "de facto spouse" being either one of two persons, whether of the same or the opposite sex, who are living, or who have lived, together as a couple on a genuine domestic basis in a relationship based on intimacy, trust and personal commitment to each other.

I have said in a previous speech in this Chamber that there is, indeed, a spiritual war going on in our country, and it is a war for the morals of our people. The real war in this country is not for our culture—culture is simply the casualty. The conflict is much deeper than that. Those who resist biblical principles and morals are really warring against God. This war pits the secular-minded educators, entertainers, Government leaders and media monopolisers against conservative Christians and other groups who uphold godly values.

Secularists seem intent on moral degeneracy. In the name of broadmindedness they demand rights for pornographers, prostitutes and homosexuals. By calling our new sexual laxity a revolution instead of a moral breakdown we are giving it a progressive halo. We have treated the promiscuous as pioneers of love. We have learned to call the promiscuous "sexually active", obscenity "openness" and abortion "choice". We have elevated people to celebrity status for doing things that would once have made them outcasts. One Nation definitely does not support the definition of "de facto spouse" being either one or two persons, whether of the same or the opposite sex, as I stated before.

The present direction of liberalism in government is becoming more and more destructive to our nation's conscience and way of life. Only last week, legislation was passed to further liberalise prostitution, making brothels a legal and legitimate business activity. I need not remind members of this House of the stance One Nation took on that vile and degrading piece of legislation. I only hope that the member for Bulimba is prepared to face his worst nightmare. He will see the fears he expressed about legalising brothels come to fruition.

I ask all honourable members in the Chamber: was this so-called definition of spouse and de facto spouse included in that degrading piece of legislation which was passed last week? No, it was not! We ask why. I did ask that question. I would be bold enough to suggest that it might impinge on the right of two homosexuals cohabiting with each other from owning a brothel apiece under that legislation. This Government was not satisfied simply to insult the majority of Queenslanders who display high morals and values; this Government is now intent on passing legislation recognising homosexual couples as being "legitimate de facto couples". Secularism is destroying this country.

What is the purpose of legalising homosexuality? Quite clearly, to force heterosexuals to unwittingly get used to abnormal and immoral actions, as displayed by the passage of the Prostitution Bill last week and the same sex clauses that the Government so assiduously forced into the industrial relations legislation and the domestic violence legislation. What right do these purveyors of unnatural acts have to change the English language? A spouse is the husband of a wife or the wife of a husband, as God intended. The Federal Marriage Act describes it in those terms and it also describes it at the exclusion of all other terms.

I spoke with the member for Gregory after the Government's last despicable act of sneaking in the same definition into the domestic violence legislation at the 11th hour—at five minutes to midnight. Like me, the member for Gregory cannot understand the agenda. According to the Census figures, there is a very small minority of same sex couples—something like less than .01% of the Australian population—yet this Government is transfixed on passing legislation to support its obvious attempts at recognition of their unnatural union. It will never—at least I pray—ever be able to change the Federal Marriage Act to include this definition. So why are we, through this loony Left push, going to

all this trouble with this legislation from the Beattie Government?

I know that the Premier and the Minister for Family Services advertise widely in several homosexual papers and magazines. In this Bill we seem to be seeing the payoff for that support. Clearly, a widespread assault is being waged on the morals of millions of Queenslanders, young and old. This Government is insisting that traditional moral values be replaced by this so-called new morality. However, the problem is that this new morality is based on relativism: nothing is absolutely right or absolutely wrong; choices depend on one's situation. Inevitably, that deals a death blow to the social conscience. This Government is using an otherwise good piece of legislation to further tarnish the morals of our society, and quite cunningly so. When it comes to property settlements, the Government is claiming a desire to show fairness to all sections of the population.

However, it does not end there. This Bill also amends the Stamp Act 1894 to amend the definition of "de facto spouse" to include same sex couples. Two pieces of legislation are being demoralised in one hit. The next thing this Government will be further legalising to accommodate the plight of homosexuals and giving them special rights rather than equal rights. I can almost see the special dispensation coming to condone a homosexual relationship involving a person under 18 years and turning a blind eye to the provisions of the Queensland Criminal Code.

Back in 1989 the Goss Labor Government, in its first weeks of power, delivered the thin end of the wedge, and the wedge has just been driven in further. In 1989 the churches were rather silent, and their silence then is the price that we are paying for this sort of legislation now.

Mr Bredhauer: Parliament didn't sit in 1989 under the Goss Government.

Mr FELDMAN: I listened to the speeches from the member's side in silence. I would appreciate the same decency being shown by the member for Cook.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! If members on the Government side are going to interject, they should do so from their correct seats. If the member is not taking interjections, he should be allowed to speak in peace.

Mr FELDMAN: Thank you for your protection, Mr Deputy Speaker.

As I mentioned earlier, One Nation does not support the definition of "de facto spouse" contained in this legislation. It is an insult to many Queenslanders who take pride in upholding high morals and traditional family values. These Queenslanders do not want to see the further destruction of our already degenerating society.

After listening this morning to that enlightening little speech by the member for Lytton, I say this to him: that speech is the very reason that arrogance in politics is in no way an election winner. In his twisted psyche, the member for Lytton somehow still believes that Caboolture, Hervey Bay, Whitsunday, Ipswich West and Thuringowa are Labor seats. He should go back and read the election results from 13 June 1998. For the member to blame the people and tell them that they were wrong is no way to win back the votes that Labor lost, and lost in droves. At this point I doubt that any moral thinking Irish Catholic, blue-collar worker, family oriented, battler background, traditional Labor voter believes that today's Labor Party really represents their interests.

This Bill in particular is an insult to most of them and a blatant attack on their faith, belief and ideology. The member for Lytton should believe me: I know. I grew up indoctrinated in Labor ideology. One could not get more deep-seated Red Labor people than the Feldman family from Woodford. However, I tell the member for Lytton to look again. My mother was the organiser of a petition against prostitution. I say to the member that I would not go anywhere near my father and start pushing his same sex theology because, even at 70 years of age and as sick he is, the member would not last five seconds. He is from the old school—older than the school of hard knocks that the member from Bulimba was talking about.

My father would remember like yesterday, just as I do, sitting around every night in a family circle saying the rosary with my mother as the matriarch of the family. Originally, my mother did not believe me when I told her that her beloved Labor Party was liberalising prostitution and bringing in same sex legislation. My father just shook his head and wondered what has happened to the Labor leaders of old. This stuff just does not wash with them. It has taken my parents all their time to be tolerant of the small changes that have been made. Labor lost me and many more just like me a lot earlier. In fact, it was just after we voted for Goss in 1989 and Labor started on this same sex suicide path.

I tell members opposite that this is the last straw—the straw that broke the camel's back

for most of us—and if they do not believe that this legislation will cause a lot more of the old party faithful to depart the camp, they should wait until the next election where it counts or, worse still, wait until they stand before their maker. Votes will not count then; party ideology will not count then, either. Their hearts and values will be judged and measured by a different set of scales, and heaven help the lot of them.

One Nation detests the attitude that this Government has shown in pursuing such immoral ideologies. Our country began with a deep sense of high moral values. Those who uphold high moral and biblical values still represent the majority of the population. It is not too difficult to determine that the Labor Government has very little in the way of morals, if any at all. One Nation will continue speaking against the demoralisation and the destruction of our society. We will continue to strongly support traditional moral values. We will stand proudly beside all of those decent members of our society who are not prepared to condone the rapid decline in standards that this Government is determined to encourage.

The vast majority of Queenslanders support this stance. This Government should be warned that its day of judgment is coming. That day could very well be the day of the next election. We will perhaps support the amendments to be moved by the National Party in relation to the same sex clauses in this legislation. We certainly will not be voting with the Government in relation to this matter. That is all I have to say.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.37 p.m.): I rise to acknowledge the contribution that couples make in a relationship—both the man and the woman. In the past, the man worked almost exclusively outside the home and the woman stayed at home. However, I have to acknowledge that both worked. The old idea was that if a person was at home, that person must not have worked. However, working in a domestic situation is very hard work.

This situation has changed dramatically and many women now work outside the home in other occupations. Indeed, the shift has been quite dramatic. Some dads now stay at home while the wife, or the woman, goes out and works externally. I think it is important to acknowledge the contribution, both tangible and intangible, that people make to a relationship. If that acknowledgment can be achieved in this Bill, then I applaud the Minister for that.

In the past, I think the work that women did in particular when they stayed at home was greatly undervalued. A price was not attached to it. Some recent academic exercises have put a $78,000 or $80,000 a year price tag on the work undertaken by whichever one of the partners stays at home full time. So to say that if a relationship breaks up, the person who contributes financially to the relationship deserves all the recognition and the other person does not is a myth.

There is only one element to the Bill that I will be disagreeing with, and I guess that members opposite are expecting that. I would be surprised if they were not. In the view of most of my electorate and in my own view, the family remains as a man and a woman and their natural offspring. I appreciate that there are other points of view in this Chamber. However, the element of a homosexual or a lesbian relationship is not one that I can support. I will be supporting all the other elements of the Bill. However, I will be opposing that element of the Bill. I thank the Minister for the opportunity to speak on the legislation.

Mr SEENEY (Callide—NPA) (10.39 p.m.): Tonight I rise in this Chamber to record my philosophical objection to legislation that puts same sex couples—homosexual couples—on an equal footing with traditional family units. I did so when legislation pursuing this course was first introduced in this House, and I refer to the industrial relations legislation. I did so when the domestic violence legislation was introduced into the House. Members can be assured that I will continue to do so every time that legislation that contains this element is introduced into this House.

I find it quite incredible that some members of the Labor Government consider this feature of the legislation so important as to give it prominence as an outstanding feature of the Government's legislative program. I take a fairly liberal attitude to what people choose to do in private. I do not really care what they choose to do in private. However, I do not believe that we as legislators should be trying to legislate morality. I would urge everyone to exercise a degree of tolerance towards anyone's lifestyle, so long as they, too, respect the views of others and do not cause affront to the community at large. I believe it is another matter altogether to give those lifestyles recognition in legislation.

It is just not acceptable to me personally and I believe, with confidence, that it is just not acceptable to my consistency for homosexual or same sex couples to be recognised and

legitimised in this way. I do not believe that it is acceptable for such lifestyles to be given the legitimacy of being included in this or any other legislation on an equal footing and with equal recognition as traditional family units. I do not believe that the people of Queensland as a whole believe that this type of recognition, acceptance and tacit promotion is warranted or acceptable. However, we now find that this element is being included in all legislation. It seems apparent that the issue is being driven by the social engineers of the Socialist Left, who seem intent on forcing their political correctness on the majority of Queenslanders from their position within the Labor Government.

If this Bill is passed in its present form, it will give further recognition in Queensland law for same sex couples. If passed, this legislation will allow same sex couples the same property rights that are quite rightly available to married people and that this Bill extends to de facto heterosexual couples. The previous Goss Labor Government and the Borbidge-led coalition Government both pursued a policy of protecting traditional family values and excluding recognition of homosexual or same sex couples from Queensland laws.

The legislative program of this Government represents a major change, and it is a major change that I will oppose every time it is raised in this House. It represents a major change to the fabric of Queensland society that I do not believe the majority of Queenslanders support. It represents a change that should be rejected by this House, just as the suggestion that homosexual couples are somehow the equivalent of traditional families will and should be rejected by the majority of Queenslanders.

I believe that most Queenslanders would find repugnant the attempts by members opposite to portray homosexual lifestyles as equivalent to that of traditional families and as an equally acceptable alternative for our young people. I wonder how many Queenslanders actually agree with where the Beattie Labor Government stands on this issue. If nothing else, we have been successful in highlighting the fact that this element is being included in the Labor Government's legislative program.

The ALP went to the May 1998 State election promising de facto rights for same sex couples. That position was backed away from very quickly by Premier Beattie in the early days of this minority Government. Such recognition of those lifestyles has been forced through by the Left Wing and is now included in all legislation. Tonight we again see it in legislation before the House. I believe that this legislation should not be passed when it contains such a significant change to the fabric of Queensland society. It should not be passed when it provides recognition and tacit support for a lifestyle that we all know exists, but which should never be seen as mainstream.

Regrettably, tonight's debate has overtones of political correctness. It seeks to revisit the political correctness that has been rejected, quite rightly, by Queenslanders and Australians in recent times. Undoubtedly, that political correctness will be used to scorn anyone who opposes the agenda of the Socialist Left. That political correctness was and is again being used by the social engineers of the extreme Left to bring about the fundamental changes in the fabric of our society.

I reject the fundamental change of providing legislative recognition to homosexual couples, I know that the constituency that I represent will reject that fundamental change and I believe that the majority of Queenslanders will reject that fundamental change to our society. I have opposed this element every time that it has been included in legislation in this House and I will continue to do so every time it is introduced into this House in the future, despite the pressure that is applied by those who continue to promote a politically correct attitude.

Mr DAVIDSON (Noosa—LP) (10.44 p.m.): When two people of the same or opposite gender decide mutually to commence a relationship, it is always with a high degree of emotion and no less commitment than those who finally endorse the relationship through the act of marriage. As is the case with those who do marry, many relationships flounder following a waning of emotion, passion and commitment.

The institution of marriage is no more a guarantee of a lifelong association than is a de facto relationship. Indeed, the figures for 1998, which are the latest available, show that 51,370 marriages in Australia ended in divorce. In Queensland, 11,349 couples who swore "till death us do part" parted long before either spouse died. Indeed, the Australian average is 2.7 divorces for every 1,000 marriages. In Queensland in 1997, which is the latest figure available, the average is 3.3 divorces for every 1,000 marriages. While those figures are distressing, particularly when children are involved, all of the people involved enjoyed the protection of law when the

combined mutual assets of the relationship were distributed because of the irretrievable nature of the relationship breakdown.

Even with the protection of the law, and particularly with the jurisdiction of the Family Law Court, the enmity within many recognised-by-law marriages that have broken down is enhanced by the recourse to the law of the parties and their legal advisers. However, at least those people have laws to protect the equity of the separate individuals. As the Honourable Attorney-General's second-reading speech so clearly points out, despite the guidance of a High Court judgment, that protection is currently not enjoyed by de facto couples in Queensland. The Bill seeks to remedy that unacceptable situation.

The High Court has shown the way ahead to remedy this travesty of justice through the Baumgartner v. Baumgartner case. The High Court held that there should be equality of beneficial ownership, at least as a starting point. As the Attorney-General has pointed out, the application of the principles set out in the Baumgartner case to specific fact situations has proved no easy task.

As we approach the new millennium, we should and need to be more tolerant towards each other. We need no less tolerance when considering the legal rights of individuals, regardless of their gender, in disputes over property when relationships break down.

As early as 1984, New South Wales, followed by Victoria and the other States with the exception of Western Australia and Queensland, recognised the need for legislation to protect all parties in de facto relationships. Those States have enacted laws accordingly. It is time that Queensland recognised the need for such legislation.

This is not the time to cast aspersions on the legal rights of people simply because their choice of lifestyle may not be consistent with the religious beliefs or ideals of other members of our society. This is a time to recognise that when lasting relationships, which involve no less commitment than legal relationships, have irretrievably broken down, those involved need the same legal recourse that is available to married couples in the same situation.

It is time to recognise that de facto relationships involving people of either the same or opposite gender can and do operate in accordance with the accepted and expected mores of the day and that they operate with no less commitment until, in some cases, differences and breakdowns in those relationships occur. Children are born into such relationships and their need for financial security following such breakdowns must be assured by law. It is an abomination and a severe injustice that children born into such relationships are so discriminated against simply because no law exists to protect their future economic wellbeing.

It is obviously an injustice to all parties concerned in broken de facto relationships that one party can benefit at the expense of the other. It is totally unacceptable that in the main the women and children currently bear that inequity. That situation should not be acceptable to a modern, educated, tolerant and compassionate society. I am not in any way championing or passing judgment on the way that people wish to lead their lives or on their choice of lifestyles. I do not believe that is my right. This is a matter of individual choice—a choice that is no less respected by the law simply because it is not endorsed by the law.

I am pleased to be able to exercise another freedom of choice, namely, that offered to all members of the Liberal Party in terms of how we vote on matters such as those encompassed by this Bill. I believe that this Bill, as the Attorney-General stated, seeks to do justice in a non-discriminatory way for a group of Queenslanders whose plight has been ignored for too long. I believe that the provisions in this Bill that are designed as safeguards will achieve the desired result. It is my intention to support the Bill and I will vote in favour of its enactment.

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (10.49 p.m.), in reply: This Bill affirms the principle of equality before the law. It reforms the law affecting the property rights of more than 180,000 Queenslanders who live in de facto relationships. This Bill will be of great benefit in particular to women. Assisted by this legislation will be women who have made a significant contribution to a de facto relationship over many years, for example, raising children, and who then find themselves out in the cold when the relationship ends because the house, car and bank accounts are in the other partner's name. This Bill sets up a framework of law and provides access to the courts to remedy those injustices.

This Bill is inclusive. It allows access to the law for all persons in de facto relationships, whether of the opposite or the same sex. People who live in same sex relationships are not monsters to be vilified and demonised. They are human beings. They are part of our community. They are entitled to the protection of the law and to be treated with dignity and

respect. I acknowledge in the public gallery tonight members of the gay and lesbian community. In particular, I acknowledge their long struggle for equality before the law.

Let me turn to the contributions of honourable members in the course of the debate tonight and, in so doing, let me thank all honourable members for their contribution. Let me in particular acknowledge the contributions of the members for Indooroopilly, Caloundra, Nerang and Noosa. I welcome their support for the Bill. The member for Warwick dealt with a number of matters, in particular with the issue of the contribution and position of children. This was a matter raised in the course of the Scrutiny of Legislation Committee's examination of the Bill. That committee expressed concern about the impact of the Bill on the rights of children of de facto spouses and whether the Bill significantly enlarges the rights of children of de facto relationships. It may be useful if I deal with that matter in some detail.

In my response referred to in Alert Digest No. 16 of 1999, I advised that under the common law and the laws of equity there is no restriction on the age or status of the person who may potentially seek relief in the courts. Under the common law, if a child has made a contribution to property such that a case of unjust enrichment or constructive or resulting trust can be made out, the fact that the claimant is a child would not in any way preclude the seeking of equitable relief.

I advised the committee that, to a great extent, the Property Law Amendment Bill 1999 is based on the common law and simply extends the existing equitable remedies to the child of a de facto spouse who has made a substantial contribution. Under proposed section 286 of the Bill, a court may make any order that it considers just and equitable about the property of either or both of the de facto spouses, adjusting the interests of the de facto spouses or a child of the de facto spouses in the property. Under proposed sections 291 and 292, the child's non-financial contribution to property, financial resources or family welfare must be considered by the court in determining a just and equitable distribution only if the child's contributions are substantial.

The requirement for a substantial contribution to property, non-financial resources or family welfare in proposed sections 291(2) and 292(2) is the only limitation in this Bill on the court's ability to make a property adjustment order that it considers just and equitable in favour of a child of a de facto spouse. This limitation does not restrict the court's ability to make an order in favour of a de facto spouse as opposed to a child which takes into account whether either de facto spouse has the care of a child who is under 18 years, as set out in section 299.

The honourable member for Indooroopilly correctly identified some of the attitudes in opposition to reform in this area as being the attitudes of the Middle Ages. The honourable members for Caloundra, Nerang and Noosa set out the case in favour of the Bill based in part on their Liberal philosophy, and I welcome their support for the Bill.

Let me turn to the fine speech of the honourable member for Kurwongbah. Her powerful speech tonight reminds all of us of how far we have to go. Her candid expression of disappointment about how much further we should be going with respect to the law in this area is a sober reminder of the limitations imposed by the Federal system of Government under which we operate. The honourable member made a telling point in observing that, upon the breakdown of a de facto relationship, a couple may find themselves in the position where the custody of the children is determined in the Family Court, where the child maintenance is determined through the child support regime of the Commonwealth and where their property interests are determined in a court of State jurisdiction. One does look forward to the day when there could be a uniform system. This would entail the Commonwealth being willing to legislate in a manner which would be inclusive of de facto relationships, whether of the opposite or the same sex, and the honourable member's forthright and analytic contribution was a most important contribution to the debate.

It is worthy of note that in an hour's time it will be International Human Rights Day—the 51st anniversary of the Universal Declaration of Human Rights. It is a fitting time for Parliament to affirm its support for human rights and, accordingly, I commend the Bill to the House.

Motion agreed to.

Committee

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) in charge of the Bill.

Clauses 1 to 6, as read, agreed to.

Clause 7—

Mr FOLEY (10.58 p.m.): I move the following amendments—

"At page 12, after line 5—

insert—

'(2) In this section—

"law" includes a law of the Commonwealth or a State.'.

At page 19, line 4, after 'varied'—

insert—

'under another law'.

At page 32, line 8, 'presumed'—

omit, insert—

'taken'.

At page 37, line 4, after 'Commonwealth'—

omit, insert—

'or a State'."

Of the five amendments that I intend to move in Committee, three are related to the same drafting issues raised by the Scrutiny of Legislation Committee, that is, whether the term "law" includes a law of the Commonwealth or a State. Proposed section 258 provides that nothing in Part 19 affects the right of a de facto spouse to apply for a remedy or relief under another law. The amendment will clarify that the term "law" includes a law of the Commonwealth or a State. The other amendments are to similar effect, with the exception of the last one, to which I will come a little later, which is simply a drafting error being corrected to insert the two-year provision.

Amendments agreed to.

Mr SPRINGBORG: I rise to speak on section 260(1) regarding the definition of "de facto spouse". I have listened with a degree of interest during the contributions this evening of all honourable members of the Parliament. It is fair to say that we have had fairly impassioned contributions and a somewhat subdued debate to enable people to put on the record of this Parliament for historical reasons and their own reasons why they either support this legislation or they do not support this legislation.

It is interesting that the Attorney-General mentioned in his summing-up the need for tolerance and also, in an hour's time, the 51st anniversary of the Universal Declaration of Human Rights. I was also somewhat dismayed to observe the relative intolerance of some members opposite as members on this side of the Chamber who had a contrary view were trying to put forward that particular view. It is a pity that the tolerance that the Attorney-General advocated did not extend to those people.

Is it wrong that the National Party, a number of members of the Liberal Party, One Nation and other Independents have tonight expressed a view opposite to that which is contained in this legislation in regard to recognising same sex couples in the definition of "de facto spouse"? I happen to have personal respect for a whole range of people, and that whole range of people includes homosexual people. But my personal belief system does not lead me to support or extend that recognition to a province of the law which has traditionally involved man and woman living together in a connubial relationship most often involving children. I outlined the reason for that earlier in my contribution to the second-reading debate.

Historically, property law at the Commonwealth level in regard to family law disputes was established to recognise that a man and woman living in a married relationship would have problems in the event that their relationship broke down. Most often the woman gave up a lot to stay at home to do the housework. She stayed at home and gave up her opportunity to earn an income in order to raise children. Historically, that would have been a number of children, but these days probably only two or three children so that she may pursue paid work later on.

For the reasons outlined by the honourable member for Kurwongbah in her contribution earlier, which was a very technically correct contribution, she indicated that the Commonwealth has responsibility for legislating in the area of marriage but the State has responsibility in the area of de facto relationships. To me, the principle which I espouse in regard to Commonwealth responsibility for the distribution of property in the event of a marriage breakdown is the same in the case of recognition of de facto relationships and property disputes. The issues in regard to settlement and basic fairness are the same. In many cases it is the woman in the relationship who has given—to quote the Attorney-General's own words in a recent radio interview—maybe 25 years and raised three or four children who has little hope of earning an income and becoming independent.

It is also very interesting to hear that when the Attorney-General talks outside this place he mostly talks about the great impact that this legislation is going to have on women. That is true. We know that. They are the ones who are primarily going to be advantaged by this legislation. By the same token, it has also become a stalking horse by which to inject an aspect of recognition of same sex couples in property law or distribution of property in this State. That is something which I cannot accept, my constituents cannot accept and the

constituents of many members on this side of the Parliament, including Independent members, cannot accept either.

We all have our own beliefs. In my contribution to this debate over the last few weeks I have tried to run what is a moderate line. Many people would say that it is not a moderate line. Well, it is. What we are doing is arguing about what we believe in. Those opposite believe that it is right and just that we should extend this recognition to same sex couples, and that is fair enough. I respect them for that. That is their belief. But those opposite also have to respect and understand that I, the National Party, a number of members of the Liberal Party, One Nation and the other Independent members of this Parliament also have a belief which is different from that. That does not necessarily make us wrong. That makes our views different from the views of members on the Government side, and for that I will not apologise. I will proudly stand here and espouse my views.

I represent the views of my constituents. I can confidently say that I also represent the views of many people in Labor electorates as well, particularly in blue-collar areas. Those opposite may say that their views are representative of the views of a number of people in my electorate. I accept that as well. But the Opposition opposes this clause tonight because our belief is different from that of the Government. For some it is a religious issue. For others it is a moral issue. For some people it is a case of saying, "Okay, we need to address an anomaly in the law. Women who have given up a great deal over a period of time to live in a relationship and bring up children should now be looked after. There should be de facto property rights for opposite sex couples in this State." That might not necessarily be from a moral or religious viewpoint, but simply their belief. There are a whole range of different reasons for people to be saying what they are saying tonight and why they believe what they believe. I have outlined the reason that we will be opposing this clause.

I ask the Attorney-General for an explanation of an issue which does not hinge on whether we believe that recognition of de facto homosexual couples is right or wrong, or whether we believe that recognition of opposite sex couples exclusively is right or wrong. I refer the Attorney to the definition in relation to section 260(2)(a). What is a de facto spouse? I do have some concerns about the ultimate legal implications of this, and I will read that clause again for the benefit of the Minister. It states—

> "For subsection (1)—
>
> (a) 2 persons are a couple if they live together on a genuine domestic basis in a relationship based on intimacy, trust and personal commitment to each other ..."

As I said earlier, "intimacy" is a very vague word. It can really mean anything. In other Acts of Parliament relevant to the definition of de facto couples, reference is made to couples living together for five years in a connubial relationship. That is a relationship which goes beyond intimacy. That is a relationship which denotes a sexual implication as well. I am sure that members would appreciate the difference. Intimacy does not necessarily denote a sexual relationship.

It has been put to me that we could very well have the situation of two people who start off living as flatmates and who do not have a sexual relationship but nevertheless have a very close relationship, a caring relationship, an affectionate relationship, an emotional relationship. We are concerned about the definition of "intimacy". We are not the first State to break this ground. Perhaps the ACT and New South Wales Parliaments will have to draw up a similar definition of "de facto spouse" for inclusion in their new legislation.

I want some assurance from the Minister that we are not going to see legal difficulties arise in the future in regard to relationships in the traditional sense. Years ago there would have been a much stricter definition of "de facto spouse". Today there is a far more liberal definition that does not necessarily mean what one would have thought. It could potentially include other relationships and put innocent people in a very difficult position in our courts if they are pursued by a party with whom they have had a close but not necessarily connubial relationship. I want some assurance from the Minister in that regard.

Mr FOLEY: The honourable member raises the question of the definition of "de facto spouse". What the honourable member is effectively saying is that he and his colleagues support a "de facto spouse" definition provided that it is limited to persons of the opposite sex. What the honourable member is, in effect, saying is that the legal reforms made available to people through this Bill should be available to people in a de facto relationship of the opposite sex but that they should not be available to people in a de facto relationship of the same sex. In effect, what the honourable member is saying is that those persons should be turned away from access to the law; that those persons should be shunned from access to the system of justice.

Mr Elliott: No, they can access common law. The common law is there for all of us.

Mr FOLEY: The honourable member says that the common law is there for all of us. That reminds me of Anatole France, who said that the law, in its imperial majesty, forbids rich and poor alike from sleeping under the bridges of Paris. The law, like the door of the Ritz Hotel, is open to everybody. With great respect, what an absurd proposition!

The whole point of this reform is that the vast majority of persons who live in de facto relationships and who find themselves in the position of suffering rank injustice cannot get access to the law, because the law is complicated, it is expensive, it cries out for reform, and it does so because of the failure of elected members of Parliament to face up to facts.

The meaning of the term "de facto" is "as a matter of fact", as opposed to "de jure", "as a matter of law". Even the common law recognised that there was a class of persons who were in common law marriages, that is, de facto relationships, and such persons were recognised at common law as common law spouses. But the honourable gentleman says that such persons who are in same sex relationships, who do not fall within the common law definition of "de facto spouse" should rely upon the provisions of the common law with respect to de facto trusts; that they can rely upon the doctrine of the High Court set out in Baumgartner's case.

Let me tell the honourable member that the law in that area is complex, and it is out of touch with the realities of modern life. In every other Parliament the length and breadth of this nation, with the exception of Western Australia, steps have been taken to reform the law. That is because leadership has been shown by elected representatives in Parliament the length and breadth of the nation to do justice to those people. The law is at its most ignoble when it does not face facts. The law is at its most discredited when it turns away from a whole class of persons and says to them that they may not enter into access in the same way as others in the community can.

The simple fact of the matter is this: we have tens of thousands of Queenslanders who live in de facto relationships. Are we to turn our backs on them and say, "You shall not have the benefit of access to a straightforward, clear law if your particular relationship is of a certain kind, namely, of a same sex kind."? There are questions here of equality before the law. This does not involve any judgment. This involves simple questions of ensuring that people with property disputes get access to the law and get a fair go.

For those honourable members who think that the common law and the law of equity provide a sufficient, clear and inexpensive remedy in this area, I call on them to cite one legal authority to support their proposition, because they will not find anybody who practises in matrimonial law or in family law in any part of this nation who will defend the proposition that they advance. The law in that regard cries out for reform. This is a question of leadership on the part of the elected representatives of the people. The honourable member for Warwick asks: what do the words mean? The words mean what they say. If we could have said it better any other way, we would have done so.

Mr SPRINGBORG: It is quite clear that the honourable member, in his many years struggling at the bar, has learnt much from obfuscation and very little in explanation. He is misrepresenting members on this side of the Parliament when we are saying, allegedly, that we are turning people away from the law. The member for Cunningham, Mr Elliott, interjected a moment ago and said that there is access to the common law, and there is. I have outlined why many members on this side of the Chamber have these difficulties. There is no doubt that there is also an opportunity to have a pre-relationship legal agreement drawn up. That is something that I encourage people in general to do. So those particular opportunities exist.

I am not going to apologise for the particular beliefs of members on this side of the Chamber. This is only the third Parliament in Australia that has gone down the track of legislating to recognise same sex de facto couples. The ACT led the charge, as the Attorney-General would realise. The Beattie Government was going to lead the charge, but then it realised that it did not have the numbers pre-Mulgrave, so it ran away from it. But as soon as it got the numbers—it is amazing what a majority does—it was all into social reform again.

The New South Wales Parliament recently legislated in this particular area. So what we have around Australia is a situation whereby the majority of Australian States and one Territory are yet to legislate in that particular area. So whilst there is recognition of de facto opposite sex couples for these purposes, there is generally not a recognition of de facto same sex couples. That includes South Australia, Tasmania, Victoria, Western Australia and the Northern Territory.

With due respect, the Honourable the Attorney-General is flippantly disregarding what is a very genuine concern of mine with regard to this definition, aside from my personal belief on the matter of the recognition of same sex de facto couples.

Ms Bligh: If you've got a better drafting, amend it.

Mr SPRINGBORG: I am just saying that we are prepared to give this particular definition a go in the other areas. But we need something that will address those particular concerns to which I referred earlier. I am not necessarily saying that there is going to be a problem. However, we are moving away from established definitions of "de facto", as we have done in a number of other statutes in this State which more clearly define things such as a connubial relationship—and we know the implications of that—lasting for five years.

I would like to hear from the Attorney-General as to whether he has had concerns along the lines that I am addressing here tonight. It may very well be that my concerns prove to be ill founded as our courts interpret and pass judgment in these areas in the future. And I will be happy, at a subsequent time, to admit that. But I would be very wrong and very derelict in my duty if I came into this Parliament tonight and did not address those particular issues that have been raised with me, not only by members of Parliament but also by people who are also practised in the law but who may have a different view from the Attorney-General's on the outside.

We are liberalising the definition of "de facto", not just in relation to same sex couples, which is an issue of philosophical belief for members in this Parliament, but in relation to what it takes to establish living together in a relationship for a traditional de facto definition which we would have accepted in the past. That is all I am saying.

I ask the Attorney: have any of his colleagues in the law raised concerns with him? Did he receive any direction or was there any discussion with his departmental officers when he was drafting the Bill that there could be a problem, or does he believe it is something which is adequately addressed and that the rather liberal definition of "de facto" as covered in this legislation and in about two or three other jurisdictions around Australia will not lead to those sorts of situations which I mentioned before, that is, in relation to people who are not living in a connubial type relationship but have lived together closely? They might have shared an apartment but over a period of time one may have become aggrieved and may now have the opportunity, because of this loose definition, to go before a court of law and have their particular grievance heard as the de facto spouse.

Mr FOLEY: The question is a simple one: do we or do we not wish to allow access to the law for a certain class of person? These are real people; they are not imagined people. They are real people who live, who work, who pay taxes, who vote, who are in relationships, and those relationships break up.

For my part, when there is a property dispute of that nature, it is desirable as a matter of public policy that it should be resolved in as sensible, as speedy, as efficient and as inexpensive a way as possible. That is what this reform is all about. When the honourable gentleman says that he is concerned about the definition, he is simply saying that he wants to have this speedy, inexpensive remedy available for one class of persons, namely, those in opposite sex de facto relationships and wants to turn away those other people who live in same sex de facto relationships. I say to the honourable gentleman that it is not a difficult definition; it is simply a question of tolerance and of equality before the law. In the cause of tolerance and equality before the law, I urge all honourable members to support this clause.

Mr SPRINGBORG: Is it any wonder that the legal system in this State is in such a parlous state and costs so much when we see that sort of performance from an Attorney-General who was practising at the bar prior to coming into this place? I will just ask a very simple question and I will leave out all of those other sorts of things: can the Attorney-General simply indicate to me tonight why we have a different definition of "de facto"—I am not addressing the issue of same sex couples; that is not the point that I am making—in the succession laws from what we have here in the Property Law Amendment Bill, which is before the Parliament. That is simply what I want to know.

There are certainly definitions of "connubial relationships"—five years and those sorts of things. I am trying to establish why there are different definitions for "de facto", notwithstanding the issue of same sex or opposite sex relationships because that is irrelevant to what I am trying to establish here. I am trying to establish why the definition is different in the statutes. Is there a reason for us to modernise? Is this the best definition? Is the old definition, which has worked in the Succession Act, for example, not appropriate any more? That is all I am trying to say. Why is it so?

Mr FOLEY: I will attempt to be brief. The honourable member will find that, in fact, this definition is very similar to the one in the recent domestic violence legislation. Why is it different from the one in the Succession Act? There is one very good reason: the provision in the Succession Act does not recognise same sex de facto couples.

Question—That clause 7, as amended, stand part of the Bill—put; and the Committee divided—

AYES, 42—Beanland, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, Connor, J. Cunningham, D'Arcy, Davidson, Edmond, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Sheldon, Spence, Struthers, Welford, Wells, Wilson. Tellers: Purcell, Pitt

NOES, 34—Black, Cooper, E. Cunningham, Dalgleish, Elliott, Feldman, Gamin, Healy, Hobbs, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Clause 8, as read, agreed to.

Schedule—

Mr SPRINGBORG (11.31 p.m.): I have a very quick question of the Attorney-General. I believe that his amendment fixes up the section that I was initially concerned about. He would recollect that I raised in my speech earlier on the potential impact of the definition of "de facto spouse" and the difficulty for the tax officers within—

The TEMPORARY CHAIRMAN (Mr Mickel): Order! Those honourable members leaving the Chamber will do so quietly. The remainder of honourable members will resume their seats.

Mr SPRINGBORG: As I was saying, in my speech I raised the issue of potential difficulties for officers in the Treasury Department with the definition of "de facto spouse" in dealing with matters of stamp duty. I note that the Attorney-General has moved to fix part of this problem by the insertion of the words "two years". As I understand it, it now reads—

> "A de facto spouse is either one or two persons, whether of the same or of the opposite sex, who are living or who have lived together as a couple for at least two years."

I take it that that would probably address the concerns of the officers with whom the Minister has spoken. That is good enough to help establish the critical point as to onus of proof for the start of the relationship.

Mr FOLEY: As the honourable member for Warwick says, the amendment which I have foreshadowed addresses this problem. Accordingly, I move the following amendment—

> "At page 45, line 20, after 'couple'—
>
> insert—
>
> 'for at least 2 years'."

This inserts the two-year provision which was inadvertently left out. It deals with the problem which the honourable member raised, namely, placing an undue burden on the officers of the Office of State Revenue. It really brings it into line with the two-year provisions elsewhere in the Bill.

Amendment agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (11.36 p.m.), by leave: I move—

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

In moving for the third reading of the Bill, I acknowledge the important contribution of the officers of the Department of Justice and Attorney-General, in particular Ms Peggy Fooks; the officers from the Office of State Revenue; the officers of the Office of the Parliamentary Counsel, in particular Ms Theresa Johnson; and the work of my own ministerial staff, including Mr Peter Clarke.

Motion agreed to.

VEGETATION MANAGEMENT BILL: REMAINING STAGES

Allocation of Time Limit Order

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (11.37 p.m.): I move—

> "That further to the resolution of the House agreed to on 8 December 1999 concerning the passage of Bills, the Bill set down in the resolution for debate on Friday, 10 December can be commenced,

debated and passed during this day's sitting."

Motion agreed to.

VEGETATION MANAGEMENT BILL

Second Reading

Resumed from 8 December (see p. 6084)

Hon. V. P. LESTER (Keppel—NPA) (11.37 p.m.): Today marks one of the darkest days in the history of Queensland and of this Parliament. In recent days, we have witnessed one of the most blatant attacks on the democratic process as the Beattie Labor Government has used its majority to gag debate on a series of important pieces of legislation.

Earlier in the day we debated a Bill dealing with water—a very important issue for country people. That Bill was gagged. It is very shameful to have to go back to our constituents in the country and tell them that, on the very important issue of water, we were unable to put our points across in relation to the clauses because we were unceremoniously gagged.

I refer also to what has been happening in recent times with regard to amendments being brought into the House at the last minute. We have had little time to study the total ramifications of all of those amendments, particularly when so many other amendments are consequential. We could see further difficulties down the track because obviously these amendments were not properly studied in the first place.

To cover its own inadequacies, its own dismal performance, its lack of organisation and its lack of openness and transparency—contrary to the commitments given to the member for Nicklin—the Beattie Government has come into this House and sought to avoid the scrutiny it so definitely deserves. The Government made a promise and has now gone outside that promise.

The Vegetation Management Bill is an extremely important Bill and it needs time for consideration and lead-up. There has been some time in the lead-up, but not everything had been agreed upon—far from it—and the legislation has been rushed into this House without having been properly thought out. There has been no consideration given to the consequences which might follow. In 25 years as a member of the Legislative Assembly, I cannot recall witnessing such a contemptuous performance as that which we are witnessing here tonight, and in recent days, from the Beattie Labor Government.

To apply the gag to 10 other pieces of legislation was bad enough. That showed contempt not only for the parliamentary process but also for all of those people who had an interest in that legislation and who approached the Opposition members to have their concerns raised in this place. Unfortunately, we will have to tell our constituents that we could not raise all of their concerns. The Government has indeed stifled parliamentary debate. However, as a Government, it has also stifled community input into the parliamentary process that underpins our democratic processes. Now, for the Government to introduce legislation so significant, so wide ranging and with so many implications such as the Vegetation Management Bill, it has scaled new heights in its contempt for rural and regional Queensland.

Indeed, the Bill was released to the stakeholders and introduced to the House only yesterday. From our understanding, it was to be supported comprehensively by a prescriptive policy under which regional frameworks would be worked out. We do not have that. We have not had time to assess the full implications of this Bill, nor has rural industry. I have to say that, quite frankly, we do not really know what we are voting on, because we do not have the finer details.

Mr Hobbs: It's a bit like buying a motor car sight unseen.

Mr LESTER: Very definitely. If we buy a new motor car sight unseen, it might be all right, but here, we do not quite know what we are buying. We do not know whether we are buying a model T Ford, a new Buick or something that we cannot afford. It is a pretty poor state of affairs.

We have not been provided with a copy of the State policy. Despite being promised it yesterday, by this afternoon rural industry still had not been provided with that policy. So we do not have the policy, but we are passing a Bill. For goodness' sake, what an outrage! We are being asked to vote on one of the most significant Bills this decade, yet we have not had adequate time to consider it and have not been provided with all the information. Honestly, I cannot believe that we would be given this Bill here and not be given the policy. It is just absurd. This is nothing but pure political treachery. It is treason of the highest order. On that basis, the Beattie Government cannot hope to win the Opposition's support for this Bill, nor has it won that support.

Since the Beattie Government came to office 18 months ago, rural and regional

Queensland has suffered at the hands of Labor's Left Wing ideology and preference for spin doctoring and emotion over—

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! The honourable member says that he has been here 25 years. I am well aware of that fact. He should be able to speak to the Bill in the second-reading debate. I would appreciate it if he did so and stopped sledging.

Mr LESTER: Mr Deputy Speaker, I thank you for that. I do not accept the word "sledging"; I am purely stating fact.

Already, we have witnessed Labor sell out south-east Queensland's native hardwood industry; the 1,500 workers who depend directly on that industry for their jobs; the thousands of others who support that industry; the graziers, the beekeepers and other industries who depend on the forests; the recreational users; the rural and regional communities who depend on forest industries for employment, income, rates and services; and the economy of this State. Labor sold out that industry and it is set to close it down in exchange for a handful of green preferences at election time. The timber industry was dragged with a gun to its head to accept Labor's terms or be closed down overnight. The rest of the stakeholders and the community were completely shut out.

So much for consultation! So much for open and accountable Government! We witnessed the Treasurer—the gambler who, unlike Kenny Rogers, does not know when to fold them or when to hold them—make scurrilous and absolutely baseless allegations that farmers' wives would take the farm truck to town to do the shopping so as to rip off the diesel fuel rebate. We witnessed the Natural Resources Minister make similar, scurrilous, totally untrue allegations—

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! I have called the honourable member to task once on the subject. The Bill is specific.

Mr LESTER: I would like to suggest very, very much indeed that the campaign started with the Minister for Natural Resources giving selected metropolitan media private briefings on land clearing so as to mount a jaundiced and inaccurate account of land management in this State. That campaign continued with the selected leaking of more jaundiced accounts of the land management practices employed by hardworking primary producers. That campaign culminated in the Premier's infamous policy-making plane trip to Charters Towers, where he made the grand assessment that the State was on fire as a result of so-called panic clearing.

Indeed, that was policy making from the comfort of a leather chair in the Government jet 40,000 feet off the ground. The Premier, under the illusion that he has to claim how good he believes he is, was apparently so good that he thought that, from 40,000 feet up in the clouds, he could differentiate between bushfires, maintenance fires, the burning of pulled timber, panic clearing and properly planned clearing. He even claimed to be able to differentiate between freehold and leasehold land. The Premier does not seem to know that the use of fire as a land management tool was around hundreds of years before white settlement. Aborigines used fire for many of the same reasons as graziers do now. The Premier does not seem to know that, at this time of the year, it is standard management practice for graziers to burn off the dead and matted pasture to allow the regeneration of new growth in the wet season. The Premier does not seem to know that, in terms of those fires that may have been related to clearing, farmers have to allow the timber to dry before they can burn it. The Premier does not seem to know that, of those fires that may have been related to clearing, most of that clearing would have been done at least two years ago under permits issued by the State Government. Those profound observations from the Premier—and I will not say "Biggles"—removed the little credibility that his Government may ever have had.

The Premier's comments, which were extremely inaccurate, were made to really fire up the people of Queensland. If one flies from Charters Towers towards Moranbah or Clermont, one would see that those places where some of those fires were reported to have occurred—properties such as Bulliwallah and so on—are either pastoral lease or leasehold. They are not freehold at all. That is the amazing thing about this whole issue. The Premier's carry-on made great headlines. However, most of the properties involved were leasehold upon which there are Government guidelines. Those properties were most likely burning off, because that is what happens at this time of the year at Bulliwallah and some of those other stations.

It is obvious that the premise of this Bill is not based on science and it is not based on fact; it is based on emotive scaremongering and policy on the run. In his second-reading speech, the Minister referred to the actions of the ill-fated Goss Labor Government in relation to tree-clearing restrictions on leasehold land. The Minister seems to have forgotten the appalling mismanagement of that issue by his Labor predecessors; he seems to have

forgotten the ensuing rural revolt; and he seems to have forgotten the street protest outside the Cabinet meeting held in Emerald. It may be news to the Minister, but primary producers have not forgotten. They will not forget the latest and most dramatic assault on their right to earn a living from their own land and to manage it according to sound practices.

One has to pay a lot of money to buy freehold land. A freehold title means that it is one's land entirely to do with as one wishes, responsibly. People who pay hundreds of thousands of dollars for the privilege of doing with the land as they wish do just that: they act responsibly. If they did not, it would devalue their land. It would not be worth as much. They will look after the land as best they possibly can. I have visited many freehold properties and it has been my experience that the land is treated with care and pride. That is something to behold. Of course, now land-holders will have a rope put around their necks. They will not be able to clear their land as they wish in order to increase their income. I have a problem if people have purchased property knowing that additional land had be cleared but they now find that they might not be able to do that. In other words, with a stroke of the Government's pen, they have lost money.

The coalition has not forgotten that the Bill represents an attack on the principles of land ownership that have underpinned the State for decades. The Bill totally disregards the fact that freehold tenure is the most secure tenure available. It ignores the fact that land-holders have paid a premium for that tenure and, in doing so, have bought absolute ownership of that land, including the vegetation that grows on it. It ignores the fact that freehold title holders have a right to manage their own land and to conduct agricultural activities as they see fit. It ignores the fact that the vast and overwhelming majority of land-holders are not in the business of destroying the land because they depend upon it for their livelihoods and the livelihoods of their children, their grandchildren, their great grandchildren and all those who will come after them.

This Bill is based on the grossly inaccurate and arrogant belief of the Labor Party that land-holders need to be told what is good for them. It is based on the belief that they need the Government and the bureaucracy to impose punitive and proscriptive laws to direct how they manage their land and conduct their businesses. I can see a time coming when lots of public servants will have to inspect properties. People will make applications to them, and it will depend upon the individual public servant whether those applications will be processed. There will be considerable time delays. Knowing the way that red tape can gather, the process will go on and on. The people will lose heart. I have no doubt that many people will walk off their properties as a result of what is in store for them.

The Bill is based on the premise that only the Government can manage land responsibly. That is laughable from the Beattie Government's atrocious record of environmental management.

I wonder what is going on. When the Transport Department was building a trailer park in the Rosslyn Bay—

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! Again I ask the member to address the Bill. He has been doing very well and he will continue to do so.

Mr LESTER: I asked with all due respect for three native Norfolk pine trees to be left on site. They were on a mound and could have been shifted. They smashed them down. That was a dreadful thing. I mention it in this debate, because while one department is doing one thing another department legislates in a different way. I will return to the Bill, but I had to make that point.

The Government cannot manage properly the land it already owns, but it continues to buy up more national parks and lock up more forests. The Government has presided over an explosion of weeds and feral animals in our national parks. This Government has handed down one of the worst environmental budgets ever, with $28.4m cut from this year's Environmental Protection Agency budget alone.

The Bill represents an expectation that rural Queensland and our primary producers are once again expected to shoulder the burden of the environmental demands of urban populations and, indeed, a city-centred Beattie Government. This is a divisive Bill and the Beattie Government's handling of this issue has been divisive. It has been malicious and destructive. Far from being the Government for all Queenslanders, the Premier and his Government have sought to drive a wedge between the city and the bush. The Bill clearly splits the treatment of rural land from urban development. It allows widespread tree clearing on Crown and private land in urban areas for roads, housing developments and shopping centres to go on virtually unchecked, even though that might be good sugar land, strawberry land or whatever, while primary producers who own freehold land will

be subjected to onerous and proscriptive restrictions.

The Beattie Government has talked often of the need for primary producers to operate under certainty. However, it confuses certainty with the dead hand of regulation. With the hysteria and the emotion that has been whipped up by the Beattie Government in its campaign to introduce these new laws, science has been ignored and all the perspective has been lost.

Documentary evidence produced by respected ecologists such as Dr Bill Burrows and other records indicate that there are now more trees in the State than when Captain Cook sailed up the east coast.

Mr Mackenroth: Fair dinkum!

Mr LESTER: A learned person has suggested that, and it has come from research. That type of scientific advice has not been sought out when developing this Bill.

There are seven million hectares of woodlands in Queensland. Even based on the Minister's figures that some 340,000 hectares are being cleared annually, that figure is a mere fraction of the total number of trees in this State. There is no indication as to just how much of that 340,000 hectares is regrowth and how much is virgin timber. Even though we are debating the Bill, we are not sure what is what. The satellite data cannot determine the difference between regrowth and virgin timber. Even on those figures, the clearing rate represents just 0.005% of Queensland's woodlands. That gives one food for thought in no uncertain terms.

However, that has not stopped the Minister from misusing the figures and trying to paint a picture in the city that the farmers and graziers are clearing every tree in this State. The whole issue has been whipped up and overrated. I believe that it is all about making the bush people look bad, which helps votes in the city. I hate to say that, but I can only think that that is what is happening.

The Bill is based on the mistaken premise that Queensland is in the same situation as the southern States of Victoria, South Australia and New South Wales where all the trees have already been cleared and there is no regrowth problem. It ignores the fact that our climate is different; that our rain falls predominantly in the summer months; that our soil types are different and that clay subsoils in many areas will severely limit the sorts of salinity problems that we have seen develop interstate. But the Bill also ignores the necessity to manage vegetation and to control regrowth so as to maintain the viability of our rural lands. The Bill will have a massive economic and social impact on rural and regional Queensland. It will act as another means of stifling the development of regional and rural Queensland, which has already been stifled through this Beattie Government's freeze on water infrastructure developments. The Bill, with its prescriptive and onerous controls, will strangle the productivity of primary producers. That worries me terribly. These people will feel as though they are pulling a trailer behind them.

Debate, on motion of Mr Lester, adjourned.

The House adjourned at 11.59 p.m.