WEDNESDAY, 17 OCTOBER 2001

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

AUDITOR-GENERAL'S REPORT

Mr SPEAKER: Honourable members, I have to report that today I received from the Auditor-General a report entitled *Audit Report No. 1 2001-02: Auditor-General's report to parliament incorporating a review of corporate governance*. I table the said report.

PETITIONS

Genetically Engineered Organisms

Dr Lesley Clark from 937 petitioners, requesting the House to legislate for a five-year freeze on GEOs.

Alberts Tacuik Processor

Mrs Liz Cunningham from 187 petitioners, requesting the House not to permit further test runs of the Alberts Tacuik Processor (currently being trialled) because of the risk of further impacting upon the health and wellbeing of the established communities of Yarwun and Targinnie.

Road Closures, Fraser Island

Mr Lester from 1,133 petitioners, requesting the House to give urgent attention to the government's plans for road closures on Fraser Island and calls for further community consultations about the management of 4WD vehicles on the World Heritage listed island.

Rotary and Lions Parks, Hughenden

Mrs Christine Scott from 325 petitioners, requesting the House to do all in its power to ensure the Rotary and Lions Parks in Brodie Street, Hughenden are kept for the local community and the travelling public.

Liquor/Gaming Licences, Algester Tavern

Ms Struthers from 259 petitioners, requesting the House to seek the Chief Executive, Liquor Licensing Commission, to deny the application for a liquor and/or gaming licence/s for the proposed Algester Tavern (site location on the corner of Algester and Nottingham Roads, Algester/Parkinson).

PAPERS

MINISTERIAL PAPER TABLED BY THE CLERK

The Clerk tabled the following ministerial paper—

Minister for Environment (Mr Wells)

Wet Tropics Management Authority—Annual Report 2000-2001.

MINISTERIAL PAPERS

The following ministerial papers were tabled—

(a) Premier and Minister for Trade (Mr Beattie)—

Report on an official visit to Norfolk Island 11-12 October 2001 and attachments

(b) Minister for Environment (Mr Wells)—

(A) A Proposal, under section 22 of the Marine Parks Act 1982, requesting the Governor in Council to revoke by regulation the setting apart and declaration of that part of the Townsville/Whitsunday Marine Park within the area described as Lots 100, 101, 102, 103, 104, 105, 106, 107, 200, 300, 301, 400, 500, 501, 502 and 600 on SP135284, Parish of Magnetic, County of Elphinstone being an area of about 20.5 hectares; and

(B) A brief explanation of the Proposal.

OVERSEAS VISIT

Report

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.33 a.m.): I table a report on my official visit to Norfolk Island on 11 and 12 October 2001. I just note in

passing that one of the guests who came to one of our functions was author Colleen McCullough, a very delightful lady.

NOTICE OF MOTION

Revocation of Marine Park

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (9.34 a.m.): I give notice that after the expiration of not less than 14 sitting days, as provided in section 22 of the Marine Parks Act, I shall move—

(1) That this House agrees that the Proposal requesting the Governor in Council to revoke by regulation the setting apart and declaration of the areas specified in the document previously tabled, be carried out.

(2) That Mr Speaker convey a copy of this Resolution to the Minister for Environment for submission to His Excellency the Governor in Council.

MINISTERIAL STATEMENT

Queensland Economy

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.34 a.m.), by leave: Queensland, Australia and the rest of the world are now confronting a very changed economic environment compared with that which existed only a few weeks ago. Prior to the horrendous events on 11 September, Queensland was leading the nation out of the GST-induced downturn. Business confidence was surging in Queensland. The National Australia Bank survey for the September quarter released yesterday showed that business confidence in Queensland was the highest in the nation. The latest unemployment statistics show Queensland dropping rapidly back down to 8.1 per cent while nationally it was creeping up.

The events of early September have dramatically transformed the economic outlook. Terrorism and the loss of Ansett services have combined to strike a wicked blow to economic activity, particularly in the tourism sector. A short, effective and carefully targeted retaliation against the terrorists will ensure that the global economy can digest these unwelcome events in time. I am pleased that the international reaction to date has been relatively measured and stock markets are beginning to recognise that the doomsday scenarios will not necessarily eventuate.

Domestically my government is working hard to restore Ansett services and related regional services. We have provided Flight West with $110,000 per week for a fixed period to maintain its air operating certificate until it can be sold by the administrator. Sunshine Express has also received $17,000 a week for six weeks—that is around $102,000—to serve Thangool and Maroochydore. We have acted quickly to support our important tourism sector by—

conducting a marketing campaign, valued at $4.1 million—it is $3.3 million in expenditure but valued at $4.1 million because of the buying power of Tourism Queensland—encouraging Australians to make the time to holiday at home in Queensland; and

drafting a six-point plan to help struggling tourism operators.

The challenge facing our tourist industry is no blip. We are not prepared to sit back. We are taking a proactive approach to help this vital industry. That is why a key element of our six-point plan, released on Monday, is to provide up to $10 million for low-interest loans to help battling tourism operators. A submission came to cabinet from Matt Foley, the Minister for Employment; Merri Rose, the Minister for Tourism; Tom Barton, the Minister for State Development; the Treasurer and me to ensure that this package was there to assist.

Under the scheme the maximum advance will be $100,000 to maintain effective operations for 12 months. The amount will be assessed on a case by case basis for businesses directly affected by the exceptional events of the Ansett collapse and the international terrorist driven downturn. The assistance is not meant to cover losses incurred but, rather, to enable the businesses to carry on until the industry recovers from the exceptional circumstances.

Provision exists for deferment of the principal repayment. Applications may be considered for an interest-only period of up to two years. The interest will initially be at four per cent. Interest will be charged on daily balances and debited to accounts monthly. The maximum term available will be for seven years, with concessional interest applying for a maximum of three years. The scheme will be administered by the Queensland Rural Adjustment Authority. The QRAA has the expertise and regional offices in place to make the $10 million available immediately. This measure is akin to exceptional circumstance payments to drought stricken farmers.

The aviation downturn is effectively creating a drought of tourists for some operators. We have a tradition of standing by those in need, and we will do the same with the tourism industry and workers. Tourism is exceptionally important to Queensland, and we are determined to ensure that the tourism industry, which employs some 150,000 Queenslanders, bounces back as quickly as possible. I want the Queensland tourism and hospitality industry to know that we are right behind them in these difficult times and we will support them. We have the best tourism industry in the best international tourism destination in the world, and we plan to keep it that way.

The federal government's response to date has been, nevertheless, disappointing. The federal Tourism Minister, Jackie Kelly, announced on 8 October that $15 million is available for small businesses that have been affected directly by the Ansett collapse. Some $15 million nationally is totally inadequate. It should at least match the $10 million for Queensland operators that this government is putting forward. I suspect that, as the November poll looms, the inadequacy of the Howard government's response will become too obvious, even for it to ignore. This is a priority issue, and it needs to be addressed now. There is a hotline for anyone wanting more information on the tourism package. That hotline number is 1800 507 700.

Under this government, Queensland has enjoyed the creation of almost 110,000 news jobs. To be precise, the number is 109,400. We will maintain our vigilance over the state's economy and will act where necessary to ensure the stability of jobs and industry in this state. This government will support projects that are good for this state, including projects like AMC, notwithstanding some unfounded criticism we may get along the way. We will do what is in the best interests of this state and for the future of Queensland. I table for the information of the House details of the criteria of our concessional loan arrangements for struggling tourism operators.

I also draw to the attention of the House, because it is related to these matters involving international terrorism and other issues, the fact that an internal process has been developed between the state and federal governments and departments for dealing with suspect mail packages. As I said, it was agreed to in consultation with Commonwealth authorities. It has been sent to all state government departments and government owned corporations. It is a letter from me which gives detailed advice on what people should do if they believe they have been exposed to a package containing any biological agent. As at 7 a.m. this morning, the police had reported to them 102 suspect packages or letters. Of those, 42 have been cleared. They have checked 42 and all of them have been cleared. I seek leave to incorporate in *Hansard* a letter I have sent to government departments and GOCs, as well as an attachment. It is only two pages, but I think all members should be aware of the advice that is being prepared and sent to departments and GOCs to protect those employed in the public sector.

Leave granted.

Queensland Government
Premier of Queensland and Minister for Trade

16 OCT 2001

SUSPECT MAIL PACKAGES

This morning a small number of suspect letters have been reported as having been received by agencies in Queensland—mainly in Brisbane. Given the current international climate, you are strongly encouraged to review current mail handling procedures.

Mail should be scanned where possible and if there is any level of concern, should be left unopened and the police contacted immediately. The contact number to report suspect mail/packages is 3364 6464.

If you and/or your staff suspect you have been exposed to a package or device containing a biological agent:

Do not disturb the package any further. Do not pass it around. Do not try to clean up the powder or liquid, or brush off your clothing;

If possible, place an object such as a large waste bin over the package without disturbing it;

Stay in your office or immediate work area. This also applies to co-workers in the same room. Prevent others from entering the area and becoming contaminated. Remember you are not in immediate danger.,

Call for help on 3364 6464. Advise:

Exact location of incident—Street address, building floor

Number of people potentially exposed

Description of the package/device

Action taken eg., package covered with black coat, area isolated.

Keep your hands away from your face to avoid contaminating your eyes, nose and mouth;

If possible (without leaving your workspace) wash your hands;

If possible have the building ventilation system shut down and turn off any fans or equipment that is circulating air around your workplace; and

Wait for help to arrive

Further information concerning suspect mail and advice to employees from Emergency Management Australia is attached.

Yours sincerely

Peter Beattie MP
Premier and Minister for Trade

MAIL BOMBS AND SUSPICIOUS PACKAGES

Features that should attract attention include:

an unexpected item is left at the office

excessive postage has been paid

the weight is unexpectedly high

there are holes that could have been made by wires

there are stains or grease marks (these could be the result of 'sweating' explosives)

letters have stiffening in them (for example, cardboard or metal)

foreign mail, air mall and special delivery items

restrictive markings such as 'Confidential' or 'Personal'

hand-written or poorly typed address

incorrect titles

titles but names omitted

misspellings of common words

no return address (unknown source)

excessive securing materials such as tape or string

an unusual odour

visual distractions such as large stickers or messages on the wrapper such as 'Fragile', 'Do not bend', 'Handle with care', 'Urgent'

Mr BEATTIE: I also table advice to government employees as well, which is more detailed. That does not need to be included in *Hansard*, but I table it for the information of the House.

I conclude on this matter by saying that I do understand why there is some anxiety. There is heightened anxiety in the community because of international events, but I do ask people to act with restraint and to be calm. We do not want to see this situation inflamed. For anyone who has legitimate concerns—and that is reflected in the advice we have provided to government—we want those concerns taken seriously, but we do not want to embellish this situation. We want people to be restrained in their behaviour. I again ask people to be cautious in how they address letters. I warn anybody who is thinking in any way of being involved in a hoax that there are very, very severe penalties, including jail. It would be very unwise to be involved in any such activity.

MINISTERIAL STATEMENT

Terrorist Attacks

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.43 a.m.), by leave: It is right for the Queensland government to give $5,000 to the Islamic school at the Kuraby Mosque to replace schoolbooks and desks that were destroyed by fire on Saturday, 22 September. I visited the site of the fire on that Saturday morning to reassure the Muslim community of the rule of law, our government's commitment to the rule of law and our strong belief in multiculturalism. The $5,000 gift was organised and approved by cabinet the following Monday and presented later in the week by cabinet minister Stephen Robertson. This was done by the state government to show the Muslim community that Queensland is a welcoming, friendly, multicultural society and one that actively supports freedom of religious belief. We must all be free to practise our religious beliefs.

That $5,000 also sits well with the estimated 7,000 people who joined us in multicultural support for the multi-faith gathering in the Roma Street Parkland on 20 September. The gathering was to honour and pay our respects to those Queenslanders and Australians who died in the 11 September terrorist attacks in the United States. It was led by the Catholic Archbishop of Brisbane, John Bathersby, and included multi-faith representatives. As I have previously said in this place, there is no place for terrorism in the world. The 11 September tragedy was an attack on democracy and has changed the world forever. By their signing of our condolence books and

attending multi-faith gatherings, Queenslanders have shown their desire to be part of a united world against terrorism. These acts of goodwill offer us a clear solidarity with the American people and are part of the world coming together to reject terrorism attacks and those who perpetrate them.

Integral with that spirit of goodwill, and in a show of our own solidarity, there is an urgent demand that we as a state show that there is no place in Australian society for minorities to be targeted for any reason. The Australian spirit of a fair go and tolerance is a key part of the Australian character—that is, not making judgments on people regardless of their religion, their sex or the like. The loss of schoolbooks and desks will be especially upsetting for the children, and it is important that they be shown that people are thinking of them and that they, too, belong in a united and caring society. To all those who turned up to multi-faith gatherings across the state and all those who have signed the condolence books, I simply say thank you.

Virginia Murray from the Consulate General of the United States, who was present for the Roma Street Parkland multi-faith gathering, has written to me thanking all those attending the gathering, especially for the unity of spirit shown by the speakers present and the messages of peace they shared. The Governor of South Carolina, our sister state, Mr Jim Hodges, has also written extending his thanks to us for our support to the American people. As well, I have correspondence from the Embassy of the United States, and I table those letters. I call on all members to have their condolence sheets and books closed off by the end of the month and returned for binding and presentation to the United States Ambassador, His Excellency Mr J. Thomas Schieffer, on his first official visit to Queensland next month when I will present those condolence books to him.

MINISTERIAL STATEMENT

Regional Parliament

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 a.m.), by leave: I am delighted to confirm that this parliament is to meet in Townsville next year. For the first time in its 141-year history, it will meet outside of Brisbane, and it is about time. It is the honouring of our election commitment, and I was delighted to announce it with you, Mr Speaker. It will be a special moment for all members of the 50th Parliament because we are going to make history together. Parliament first sat in Brisbane in May 1860. For the first eight years, parliament used to sit in the convict barracks in the centre of Brisbane, near where the Myer Centre is located today. In 1868, it shifted to George Street and has always met here since. We all have to remember that Queensland is Australia's most decentralised state. Brisbane is the capital of Queensland and it is important, but there is also more to Queensland than Brisbane, and we have to continue to remember that.

It comes as no surprise that regional centres want to have the second sitting of the regional parliament. Cairns and its members have been most vocal and are already showing a keen interest in the next sitting. No doubt other regional centres are, too. That decision and its placement will be for another time. Townsville has warmly welcomed the sitting. The five Townsville based government members—and I use Townsville in a general sense—include the member for Townsville and Emergency Services Minister, Mike Reynolds; the member for Mundingburra and the Parliamentary Secretary to the Minister for Health, Lindy Nelson-Carr; the member for Thuringowa, Anita Phillips; the member for Charters Towers, Christine Scott; and the member for Burdekin, Steve Rodgers. They have all welcomed the decision, and I thank them for that.

Even the Liberal member for Herbert, Peter Lindsay, says it would be terrific. The President of the Townsville Chamber of Commerce, Peter Duffy, says it will offer a unique opportunity for business. The Townsville Enterprise Chief Executive, Richard Power, said the sitting's most important aspect is the profiling on offer for Townsville and Thuringowa and the North Queensland region. The Townsville *Bulletin* rightly says that it will offer a 'grand opportunity for North Queenslanders to see for themselves how democracy works'. The Townsville Mayor, Tony Mooney, has described it as a wonderful initiative. And in a rare moment of fairness and objectivity, even the *Courier-Mail* got it right in its editorial of 10 October when it correctly highlighted—

> This is an important step in bringing parliament to the people and will enable many in the far north, particularly schoolchildren, to see it.

I agree. But there's more.

The father of the House, the member for Keppel—the former member for Peak Downs and Belyando—has drawn on his vast knowledge of this great institution and his length of service in seeking to look after the people of regional Queensland to lobby for any future sittings to be held on the Capricorn Coast.

Mr Lester: Absolutely.

Mr BEATTIE: Not only that, he made a pertinent point when speaking on ABC Radio in Rockhampton on 9 October when he said—

Mr Lester: Do an extra sitting and bring it to the Capricorn Coast.

Mr BEATTIE: Hang on, Vince. I am going to quote you, mate. Don't get too excited. He said—

It would give people an opportunity to see how parliament works. But in addition to that, of course, parliamentarians would have the opportunity themselves to see what a wonderful buoyant area we have.

Thanks, Vince. I am sure all parochial regional members would hold views similar to his. As a lad who grew up in the country, I do. I, too, think the people of regional Queensland would cherish the chance to see parliament sit in their area.

This is all about ensuring that all Queenslanders feel part of the state's decision making and democratic processes, but there was one whinger. Who do honourable members think that was? Why would the Opposition Leader attack Townsville, Thuringowa and regional Queensland? It stuns me. After all, this decision is part of an election promise we made in the lead-up to the election. We were given the mandate to hold one parliament per term in a regional area.

Mr Mackenroth: Whilst he has been missing from Brisbane, we thought he was out talking to regional Queensland.

Mr BEATTIE: I thought he was in the bush, but he hates the bush because he is out there saying that we should not have parliament outside of Brisbane.

Townsville is ideal. It has all the logistics. It is in an ideal central northern location. It is four hours drive from Cairns in the north—the same to Mackay in the south and Hughenden to the west. So everybody can get together. This decision is all about one Queensland—one that includes and welcomes rather than continually criticises and whinges. It is a win for all.

Taking the parliament to the people is what democracy is all about. I am happy to say to the people of regional and country Queensland: we think of you, we want you to share in the democratic process and we will continue to look after the regions and the bush.

MINISTERIAL STATEMENT

Electricity Industry Deregulation

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (9.51 a.m.), by leave: I table for the information of the House a document which I forwarded to the National Competition Council last week. It is a document that outlines our government's reasons for the rejection of full retail competition in the Queensland domestic electricity market.

This document makes for very interesting reading. Given some of the ill-informed comments from members opposite when we announced this decision last week, I encourage them to take the time to have a look at it. If they do, it should be obvious why we made this decision and why they have failed regional and rural Queenslanders by not providing their wholehearted support. They have decided to play politics and curry the favour of their mates in Canberra instead of sticking up for the very people they claim to represent.

Mr HORAN: Mr Speaker, I rise to a point of order. I take offence at that comment. I made the point—

Mr SPEAKER: Order! Are you asking for it to be withdrawn?

Mr HORAN: I just want to make this point, Mr Speaker.

Mr SPEAKER: No, this is not a debate.

Mr HORAN: I said that when the information was tabled and—

Mr SPEAKER: Order! You will have the opportunity to debate afterwards.

Mr HORAN:—if it was right we would give it 100 per cent support.

Mr SPEAKER: Order! Resume your seat. This is not a time for debate. Resume your seat!

Mr MACKENROTH: The information is now tabled. I can assure the member that it is 100 per cent right and I thank him for his wholehearted support.

For the benefit and enlightenment of those opposite, I will share some of the major findings of the report with the House. The report was compiled by Queensland Treasury and based on independent research undertaken by PA Consulting. Currently the uniform tariff ensures that, no matter where a person lives, everyone pays the same and enjoys some of the cheapest electricity prices in the country.

However, the report clearly shows that if the uniform tariff was removed in Queensland and the market was deregulated many Queensland households would experience dramatic electricity price rises. Customers would be exposed to price variations, and people outside of the south-east corner would be faced with skyrocketing bills due to higher network costs in areas such as transportation.

To give some idea of just how significant these rises could be, our research shows that an annual average bill of $740 would skyrocket to as high as $1,606 in south-west Queensland, $2,017 in the Mackay region, $2,472 in North Queensland, and $2,354 in Far North Queensland. In fact, our research shows that domestic customers in 10 out of 12 regions of the state would pay more if prices were deregulated.

Obviously these massive increases would be untenable, so the independent analysis also examined the impact if network subsidies were maintained for regional Queensland. The analysis found that the overall cost of introducing competition, just to change metering and technical systems, would cost at least $184 million. Yet the same analysis could only identify a possible $52 million in benefits. The government would therefore have to pick up the cost of these new systems.

The additional impact on the state budget from this change would be in the order of $271 million over five years. This is on top of the subsidies currently paid—subsidies that were budgeted at over $250 million last financial year. Either way, it represents a major hit to the hip pocket of Queensland taxpayers.

As the most decentralised state or territory in the country, we have a different market with different conditions, and what may be appropriate for the southern states is not necessarily appropriate for Queensland. But it does not appear to be appropriate down south, either. Reports in the *Australian* newspaper this week reveal that Victorian retailer CitiPower has flagged that from 1 January, when full retail competition is introduced, it wants to increase electricity prices by an average 16 per cent for residential and small business customers. It also indicates that at least four other distributors or retailers there are expected to announce plans for similar increases before the end of the month.

Mr Howard wants us to go down a similar path in Queensland. I do not think so. Our report clearly spells out the costs of full contestability, and that is why our government is saying no to the economic rationalism of the Howard government. Now we have to wait and see if the Commonwealth government imposes financial penalties on us through reduced competition payments for our decision to defend the interests of rural and regional Queenslanders.

We have received a letter from Kim Beazley which makes it clear that a federal Labor government will do the right thing and not penalise Queenslanders if the costs of national competition are shown to outweigh the benefits. We have also asked for this commitment from Mr Howard, but so far the silence has been deafening. The people of Queensland deserve to know where he stands on this vital issue which threatens to impact on thousands and thousands of Queensland families.

MINISTERIAL STATEMENT

Quarterly State Accounts

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (9.57 a.m.), by leave: Today I table for the House the June quarter state accounts, which show positive signs for the continuing growth of the Queensland economy. They reveal that Queensland's annual average economic growth for the last financial year was 3.7 per cent. This is higher than our budget estimate of three and a half per cent. Our overall growth is more than double the growth for the rest of Australia, which reached 1.6 per cent over the same period. In

fact, we have exceeded the rest of the nation in economic growth in all but one of the past 11 years, that year being 1995-96. We all know what happened for half of 1996.

Mr Horan: What happened?

Mr MACKENROTH: We know what happened. We had a capital works freeze which stopped most of Queensland from working.

As has been the case in the past, our strong export sector continues to be a vital cog of our economic strength. Overall, net exports contributed three and a half percentage points to our growth in 2000-01 from the strength of our overseas goods and services exports, which were up 10 and a half percent, and falls in overseas and interstate imports of goods and services, which were down 4.2 per cent and 0.9 per cent respectively.

The state government's Charter of Social and Fiscal Responsibility places a strong emphasis on maintaining the long-term fiscal strength of our state to underpin further growth. Our strong fiscal fundamentals give us the capacity to manage external shocks without their impacting on our ability to provide critical services in core areas such as health, education and policing. This strong position has been recognised by a range of rating agencies, who have consistently given Queensland a solid AAA credit rating—and it is easy to see why. The ratings agencies have clearly taken into account our competitive tax rates, our low general government debt levels and our substantial financial assets which cover accruing liabilities.

While we have fiscal fundamentals that are the envy of other states, we are of course not immune from exposure to external fiscal risks, as was evidenced by the impact of the HIH collapse on the 2000-01 budget position. In fact, members might also recall press reports this month highlighting the fact that Australian superannuation funds recorded their worst quarter result in the last 20 years over the first quarter of this financial year.

Any underperformance in the equities market will inevitably impact on our investment earnings from the significant financial assets we have invested to meet our future liabilities. For example, the tragedy in the United States caused by the terrorist attacks last month has sparked fears of a global recession. It is sobering to note that the outlook for the world economy had already been downgraded before the events of 11 September. But the terrorist attacks and the subsequent retaliatory action have ultimately multiplied global growth concerns with international trade and consumer confidence expected to experience the biggest impacts.

However, while there is likely to be ongoing short-term volatility in the equities markets, the medium to longer term prospects remain strong. As such it is appropriate that our investments are positioned for the long term given the long-term nature of liabilities such as superannuation. Importantly, and as recognised by credit agencies, our strong balance sheet and fundamentals put us in a sound position to manage any such external impacts.

MINISTERIAL STATEMENT

TAFE Training

Hon. M. J. FOLEY (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (10.01 a.m.), by leave: Jobs growth depends on a strong skills base of international excellence capable of competing with the best in the world. This government has long been committed to the goal of producing world-class tradespeople through our training system in the Smart State. Last month in Seoul, Korea a couple of young Queenslanders proved that our state's training system is reaching that goal. Two 21-year-olds outskilled competitors from 35 other countries to win gold medals at the 36th international Worldskills competition in Seoul, Korea.

Stephanie Bugg, a refrigeration mechanic from Toowoomba, won gold in the refrigeration category and, better still, was named best female in a non-traditional trade. Ronald Moseling, an electrician at the Gladstone Port Authority, won gold in the commercial wiring category. Australia won three gold medals at the Worldskills competition, and two of them came from Queensland.

Their outstanding achievements also help to dissolve the damaging misconceptions about apprenticeships and traineeships that still exist in our community—misconceptions that can jeopardise young futures. These successes also serve to underline the quality of the Queensland TAFE system. Figures from the National Centre for Vocational Education Research—NCVER—show that 79 per cent of Queensland TAFE graduates were employed within six months of finishing their studies compared with the national average of 76 per cent. The figure goes up to

more than 89 per cent when students who went on to further study are taken into account. It proves again that TAFE means jobs.

Mr Purcell: Hear, hear!

Mr FOLEY: I thank the member for Bulimba for his strong support for vocational education and training.

Another significant revelation is that the TAFE statistics compare very favourably with the employment statistics for university graduates. I am gratified to see that the managing director of NCVER, Chris Robinson, has said that these figures show that TAFE is no longer a poor cousin to a university education. I would urge school students who still have not made up their minds about their options for next year to consider furthering their education through one of the 16 TAFE institutes in Queensland. The closing date for on-time applications through the Queensland Tertiary Admissions Centre has passed, but a lot of students still have not made a final decision.

In keeping with the government's Smart State objectives TAFE institutes are moving into a whole range of areas not traditionally associated with the vocational education sector. Students now have the option to study through a TAFE institute in high demand areas such as IT and telecommunications or in emerging fields like biotechnology.

TAFE is still providing training in the traditional trade areas, and apprentices all over Queensland continue to go to TAFE campuses for their off-the-job training. For many students, TAFE courses can also offer a first step towards university entry. Many TAFE courses give students a qualification that provides credit towards a related university degree. I would urge all students contemplating their future after high school to look at the wide variety of options available through TAFE.

MINISTERIAL STATEMENT

Family Health Initiatives

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (10.05 a.m.), by leave: The Beattie government has recognised that early intervention is the key to strengthening and supporting families—something to which this Labor government is absolutely committed—and preventing future problems. We have adopted a proactive approach to this with the implementation of a range of initiatives to provide long-term solutions. It gives me great pleasure to inform the House of one such initiative, which has now been in operation for just over a year and is showing early evidence of success.

The Early Intervention for Safe and Healthy Families Initiative integrates the Family CARE Home Visiting Program with Queensland Health's Domestic Violence Initiative Program. It has been allocated $1.16 million per annum for four years beginning in the 2000-01 state budget. This initiative aims to identify women who are experiencing key risk factors as early as practicable in the antenatal period. These women are then offered an acceptable and evidence-based service directed at maximising protective factors for the mother and the infant during the first two years of the infant's life. Currently this is offered in four health service districts: Cairns, Sunshine Coast, Logan-Beaudesert and the Gold Coast. A funding increase of $800,000 per annum in 2001-02 will allow implementation in a further two proposed sites: West Moreton and Townsville.

Eight to 15 per cent of pregnant women screened have some or all of the key risk factors, these being family violence in the preceding 12 months, signs of maternal mood disorder; and financial stress. Other risk factors identified include a maternal history of abuse as a child and substance abuse.

I am pleased to report that there is evidence, after the first 12 months of operation, that the Early Intervention for Safe and Healthy Families Initiative has successfully identified and recruited many of the most at-risk and vulnerable families. Over 500 families have been, or are currently, enrolled with the first group of families having just completed the full year home visiting program. The initiative is also meeting goals in relation to increased client knowledge about SIDS prevention and infant immunisation, and stronger links with the family GP. In addition, feedback from both clients and staff has been uniformly positive. This is particularly important because the initiative provides a seamless model of care, commencing antenatally and continuing throughout the early years of a child's life, an approach shown to achieve better health, wellbeing and social development outcomes.

MINISTERIAL STATEMENT

Australian Venture Capital Association Investor Conference

Hon. T. A. BARTON (Waterford—ALP) (Minister for State Development) (10.08 a.m.) by leave: I am pleased to say that Queensland hosted the largest Australian Venture Capital Association 2001 investor conference—a prestigious national event—on the Gold Coast last week. AVCAL—which has been held five times in Sydney and once in Melbourne—provides a prime opportunity for Queensland start-up firms to pitch to high-level investors.

This is the second time in a row that my department's Venture Capital Unit has helped attract this major conference to the state. Last year, when the event was held on the Sunshine Coast, organisers of the AVCAL conference in Queensland hailed it as the biggest AVCAL conference ever, and now we have done it again. This two-day conference, sponsored by my department, ran from 11 to 12 October 2001 and broke attendance records for the event for the second year in a row. More than 500 delegates registered, and many more were on the waitlist, which is nearly double the turnout for the 1999 AVCAL conference in Melbourne.

This demonstrates that the interest amongst investors and investment seeking businesses in Queensland is growing stronger every year. It is no flash in the pan. This also tells me that my department's efforts to proactively grow this sector and address its issues are paying off.

This year, the unit arranged for seven Queensland start-up firms to present their business plans before a panel of investors at a commercialisation and entrepreneur's day during the conference. These companies were ABCOM Pty Ltd—business software, Auran Group of Companies—game software, Doctrieve Corporation—data warehousing, HotShed Ltd—e–commerce systems, PRT Technology—infra-red switching, Rotocult Ltd—agricultural machinery, and Bantix Pty Ltd—manufacturing. It is particularly pleasing to note that more than half of these firms were from regional Queensland. This was a prime opportunity for these businesses to show what they were made of before Australia's leading investors.

Securing the AVCAL conference for 2000 and 2001 is but one of the activities that is an excellent result for the venture capital unit, which was established in July 2000 to continue the good work of the venture capital unit set up by my department's investment division a year earlier. This unit has been instrumental in helping attract more than $10.5 million worth of investment for 20 start-up companies with more on the way. My department, particularly through the venture capital unit, is committed to assisting entrepreneurs and high-growth start-up businesses in Queensland, as further testimony to our commitment to building a Smart State.

MINISTERIAL STATEMENT

National Housing Conference

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.11 a.m.), by leave: I wish to advise honourable members of a major conference on housing to be held in Brisbane next week. The National Housing Conference 2001 has attracted more than 700 delegates from the public and private sector interested in the future of social housing.

The conference will discuss a range of issues relating to the provision of housing—homelessness, housing for the disabled, financing models and indigenous housing to name just a handful. The Department of Housing and the Australian Housing and Urban Research Institute are jointly hosting the three-day conference starting next Wednesday. The conference will bring together representatives of government, the community, industry, as well as academic and tenant groups. It will explore the problems and challenges faced by those of us providing social housing. Speakers from the United Kingdom, New Zealand, and North America will bring an international perspective to the challenges they have faced and those we face here.

I am very pleased that among the events organised for delegates are visits to see the success of this government's Community Renewal Program. Visitors will also have the opportunity to see some recent affordable projects undertaken by the Department of Housing, including inner and near-city boarding houses and Aboriginal and Torres Strait Islander housing.

As I have said many times, the availability of affordable housing impacts on people's lives in many ways. It influences their health, their prospects for education and training, and their chances of employment. That is one of the key themes of next week's conference.

In terms of our own public housing programs in Queensland, construction or upgrade projects also have valuable spin-off effects in terms of jobs in the building industry. That is why I have been so critical of the Howard government's cuts to federal housing funds under the Commonwealth-State Housing Agreement. The federal minister responsible for housing, Senator Amanda Vanstone, will address the conference next Wednesday. I hope Senator Vanstone will take the opportunity to commit herself to another CSHA if the Howard government is re-elected—and I hope that does not happen. I would also hope that she would use the conference to indicate her intention to at least call a halt to the downward slide in federal housing funding. A commitment to at least maintain current funding levels if re-elected would be a start.

MINISTERIAL STATEMENT

Queensland Biotechnology in 2001

Hon. P. T. LUCAS (Lytton—ALP) (Minister for Innovation and Information Economy) (10.13 a.m.), by leave: Biotechnology is very much the buzz word of the moment, and I would like to provide some new evidence that shows how well Queensland is faring in the biotech race between the states. This is a brand-new report on *Queensland Biotechnology in 2001*. I table that report. Put together by Ernst and Young, it tells us that since 1999 there has been a 67 per cent overall industry growth in employment. That is an extra 815 positions. It reveals a 317 per cent increase in research and development spending. That is a jump from $47.9 million in 1999 to $199.8 million this year. And it shows a 248 per cent increase in funds raised by this sector since 1999, from $72.2 million to $250.8 million. No-one can doubt the veracity of these figures. We specifically contracted Ernst and Young because of their reputation for accurate data and because they had already conducted a national survey on biotechnology.

It is quite clear from these impressive results just how focused this government is on biotechnology research and industry. Our investment in research facilities is in turn helping our universities develop new degrees and spin-off companies. In the past fortnight, the University of Southern Queensland announced two new degrees in biomedical science and bioinformatics. At QUT, this government is putting in $200,000 towards a new Bachelor of Biotechnology Innovation degree. Biomedicine and biotechnology degrees are available at USQ, QUT, Griffith University, UQ, Bond, and the University of the Sunshine Coast and there is a Diploma in Applied Science at the Southbank Institute of TAFE.

Queensland's youth will be ready to take on a wealth of opportunities in these exciting fields. In fact, if members saw the *Australian* last Wednesday they would have read how far Queensland has come to be a clear winner when it comes to education opportunities in Biotechnology. Specifically, this article here—and there are a number of them—is titled 'States vie for world domination in biotechnology'. The *Australian*'s biotech education supplement states—

> The transformation has been most pronounced in Queensland, where biotechnology research and industries are a central plank of the Beattie government's Smart State strategy.

Queensland leads Australia. This article goes on to highlight the Premier's announcement in June of a new $100 million Smart State Research Facilities Fund, which will enable a $15 million Biodiscovery Fund, a $40 million Food for Life Centre of Excellence, and an Institute of Nano Applications and Biomaterials.

Let me also remind members of the $270 million that this Government earmarked in 1999 for a 10-year bioindustries strategy. This strategy is helping us fund a $100 million Institute for Molecular Bioscience, which will work in areas such as new pharmaceuticals and the diagnosis of human and animal diseases. The government is also putting in $8 million towards a Centre for Biomolecular Science and Drug Discovery at Griffith University on the Gold Coast and half a million dollars towards a Centre for Immunology and Cancer Research. Here, a team has developed a vaccine against the papilloma virus with the potential to eliminate 99.8 per cent of cases of the virus, which can lead to cervical cancer.

These investments are helping Queensland build on its strong concentration of biomedical and agricultural research. The bioindustries workforce survey shows Queensland has 7,600 biotech-related jobs, 3,111 of which are in R&D development—compared to 2,101 in Victoria and 2,500 in NSW. The *Queensland Biotechnology in 2001* report proves how vital the Beattie government's vision and investment are.

In just two years, more than 800 jobs have been created, and the way is paved for even greater achievement in both biotech jobs and innovation. We are only two years into a 10-year strategy.

NOTICE OF MOTION

Water Resources

Ms LEE LONG (Tablelands—ONP) (10.17 a.m.): I give notice that today I will move—

That this House call on the government to review its water resource planning process, the five-year price path, and the lack of any right of appeal in the Water Act 2000.

NOTICE OF MOTION

Amendments to Bills

Mr WELLINGTON (Nicklin—Ind) (10.17 a.m.): I give notice that I will move—

That a minister who, after introducing a bill into Parliament, intends to move amendments to the bill, then the minister must, unless there are extraordinary circumstances, notify the Scrutiny of Legislation Committee of the contents of the amendments, so as to allow the committee the opportunity to consider the implications of the amendments and report to Parliament in relation to the committee's terms of reference prior to the debate on the bill.

PRIVATE MEMBERS' STATEMENTS

Public Liability Insurance

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (10.18 a.m.): One of the greatest threats at present to the social fabric of our society is the escalating costs of public liability insurance for festivals and for many community organisations. Daily we hear stories of huge increases in the cost of this insurance, which is virtually putting such cover out of the reach of community organisations—increases in the area of 100 per cent, even up to something like 500 per cent.

Festivals and community functions are very important to each and every area. In my own area the Carnival of Flowers, which has been running for some 52 years, is important to the social and community fabric of our town. Events like the Herberton Tin Festival, the Gympie Gold Festival and the Goodna Jacaranda Festival are very important to those areas, as are many other festivals in each area of our state. Unless we do something positive about putting in place a system that is practical and financially sound with a reasonable and capped level of insurance, then many of those organisations will not be able to proceed. We have already seen some cancellations.

The National Party has put forward a positive proposal that a scheme similar to that involving motor insurance should be put in place, underwritten by the government. That would bring together the strengths of the various organisations so that we are able to negotiate some reasonable and capped level of public liability insurance. I am pleased to say that our proposal has received support from the Queensland Council of Social Services. From a survey that it undertook, it reports similar problems, particularly in many community organisations that deal with crisis accommodation services and the like.

We are seeing an ongoing trend of massive increases in public liability cost. The National Party's proposal is a good one—

Time expired.

University Places, Gold Coast

Mr LAWLOR (Southport—ALP) (10.21 a.m.): I draw to the attention of the House another example of the Gold Coast being short-changed by the federal coalition government. The Gold Coast needs an extra 3,000 university places by 2002 just to bring it up to the national average of places per head of population. An extra 6,000 places would be needed to give the Gold Coast the same level of places as cities such as Canberra, Newcastle and Wollongong.

The shortfall in places is detrimental to the economic development of the Gold Coast region in view of the recognised links between economic development, a highly educated work force, and research and development. Those links are particularly relevant to the focus on biotechnology and information technology that is being developed in the region.

In the last federal budget, Griffith University was allocated a total of 160 places for all of its campuses from a combination of 90 innovation places and 70 regional places. The latter were allocated entirely to the Gold Coast campus. Thirty-five innovation places were allocated to the

Gold Coast campus, making a total of 105 places for the Gold Coast, which equates to a steady state figure of 300 places in three or four years' time.

The total of 300 places provided by the federal coalition government over a three or four year period is only 10 per cent of the 3,000 places needed to alleviate the shortage of publicly funded university places in the Gold Coast region. A 10 per cent outcome is not good enough and continues the years of neglect that the Gold Coast has suffered from years of coalition representation, both at a federal and state level. This shortfall forces families to send their children away to other cities to gain a university education and undermines efforts to build the knowledge base sector of the Gold Coast economy.

The Labor candidate for Moncrieff, Victoria Chatterjee, has called for increased university places for the Gold Coast. The National Party candidate is taking up a petition asking for the same. Presumably, she will present it to Mr Howard before the election. That is well meaning, but it is like whingeing to your mother-in-law about your wife.

Time expired.

Gladstone Hospital

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (10.23 a.m.): Concerns regarding the public health system in Queensland continue to grow. Constituents in my electorate are concerned at the reduction in services available at the Gladstone Hospital. Incidents like the closing of outpatients for a short time do nothing to encourage confidence.

I wish to reaffirm the hard work done by Ian Mottarelly, Paul de Jong and other SMOs, Ken Denny, Ian Nugent and medical staff—indeed, all staff—at the Gladstone Hospital. Are they perfect? No. However, so many at the hospital go that extra mile to provide as good a service as they can within the constraints placed on them by their budgets.

Health councils were appointed to give a broader view to hospital management. Many times the councils feel disempowered by a lack of information made available to them. I say let them fulfil their role.

In a growing centre like Gladstone we need growth in services, not a diminution; an extended intensive care service, not a reduction to a high dependency unit; and local access to specialists, either permanently on-site or visiting, to reduce the need for large numbers of patients to travel. Management must work cooperatively with staff. Restructuring a position out of existence while that officer is on leave does nothing for staff morale.

Regional health is under pressure. Some health practitioners appear reticent to go outside the south-east corner. Yet health services are basic to the peace of mind of members of any community. I look forward to working further with the government and the Minister for Health to improve the health services in the Gladstone region.

Chatswood Hills State School

Ms STONE (Springwood—ALP) (10.25 a.m.): It is with great pleasure that I inform honourable members of one of the greenest and healthiest schools in south-east Queensland, southern division: the Chatswood Hills State School in the electorate of Springwood. The school competed against 86 other competitors in this year's Comalco Green and Healthy Schools Competition. The competition recognises and rewards those schools that display outstanding performances in health, environment and safety activities.

The school was assessed on the following elements: tidiness and litter programs; interaction with the wider community; youth activities and initiatives; resource and conservation and waste management; creative use of communication techniques and tools; safety issues including sun, water, fire and personal safety; healthy food and clean canteen activities; and local government leadership. This certainly is a comprehensive list and only supports what a great win this was for the school community.

The Keep Australia Beautiful Council of Queensland Chief Executive Officer, Barton Green, said that Chatswood Hills State School best exemplified all those elements of the Comalco Green and Healthy Schools Competition and was a deserving regional winner. Wonderful work is happening at the Chatswood Hills State School. They have theme gardens, a birds and tree project club, and a comprehensive waste management and recycling procedure.

Chatswood Hills State School also won another award in that competition: the Minister for Education's Young Legends award for south-east Queensland, southern division. Recently the minister presented the school captains with their award. This award recognised the outstanding accomplishment in activities initiated or implemented by students.

This year the Chatswood Challenge won the award. This project involved students identifying an environmental issue within the school or local community. An action plan was designed to resolve the problem. They then act upon that plan, record outcomes and raise funds to implement the plan.

This annual school project is student initiated and student led throughout the school and the local community. I congratulate the Principal, Mr Glenn Thomas, the Deputy Principal, Gwen Rayner, the students, the local community and the school community for achieving a fantastic result. I wish them good luck as the state finalist.

Time expired.

Meningococcal Disease; Logan Hospital

Miss SIMPSON (Maroochydore—NPA) (10.27 a.m.): There have been more tragic deaths from meningococcal disease. One of the latest was a 10-month-old baby who was taken to Logan Hospital on Friday and then sent home, only to be taken back on Saturday by ambulance. That child later died. Baby Kayla Oliver's parents are obviously heartbroken. They did their best to help their child, who was normally a very healthy child. They knew that there was something wrong. They desperately need answers. This matter must be investigated. It must not be swept under the carpet.

Less than a month ago, another family presented their 17-month-old son to Logan Hospital with symptoms similar to that of meningococcal. Doctors examined the boy and assured the family that he did not have meningococcal. They told them to take the boy home and, if they thought he got worse, to bring him back. The family was not satisfied. They took him to the Mater Hospital where he was diagnosed with the disease and treated for a week. Apparently, Queensland Health advised the friends of the boy that they should be treated with antibiotics, but when those people went to Logan for antibiotics they were turned away. Apparently, Logan told them that there was no need.

These matters must be independently investigated. I am calling on the minister not only to refer the matter to the Health Rights Commissioner for an independent investigation but to also urgently review the processes and the policies in all Queensland hospitals. For the sake of the parents who have been through this situation, the minister must show compassion and accountability. Children should at least be kept in hospital overnight for observation.

The minister cannot hide this issue within the fortress of Queensland Health. It must be independently investigated and brought out in the open. Procedures must be reviewed urgently across the state. I am sorry that the minister is shaking her head, but this is an issue of grave concern. I am calling for compassion and accountability. There should at least be a change in policy so that children are kept in for observation.

Department of Housing Garden Awards

Mrs CROFT (Broadwater—ALP) (10.29 a.m.): Last week I had the pleasure of being on hand to announce the winners of the Department of Housing's 2001 Garden Awards for the Gold Coast region. The Garden Awards attracted almost 90 entries from throughout the region this year. I commend the Minister for Housing for his ongoing commitment to recognising the contribution that public housing tenants have made to their properties and neighbourhoods.

I would like to congratulate the following participants for their outstanding entries: Susan and Shannon Ottley of Molendiner, winners of the house garden category; Ailsa Fingelton of Biggera Waters, winner of the small space garden; Alan Bladon of Labrador, winner of the new garden category; Lana and Alan Deen of Paradise Point, winners of the native garden category; Vanya McConkey of Burleigh Waters, winner of the practical garden category; Ailsa Fingelton together with Helen Fugger of Biggera Waters, who won the group garden category; and Clinton Attridge of Nerang was a deserved winner of the children's garden category.

I would like to request that the remainder of my speech be incorporated in *Hansard*.

Leave granted.

I know that the success of the awards was due to the enthusiasm of the housing tenants and tenant groups. All the participants are to be congratulated for the time and effort that they put into their beautiful garden entries.

I would like to thank Anne King, President of the regional association of tenants, Department of Housing area manager Kerry Brassell, Bill Bowdell, Petra Jensen and Garry Parkes for organising, promoting and judging this year's awards.

The best thing about these awards is that tenants don't have to be an experienced gardener.

It doesn't matter what size or type of garden you have, whether it's a balcony patio, flower or vegetable garden, and it certainly doesn't have to be the biggest or the most expensive garden to win an award. So, tenants, start planning for next year's awards and give it a go!

QUESTIONS WITHOUT NOTICE

Drugs

Mr HORAN (10.30 a.m.): I refer the Premier to the unanimous passing on 4 April this year in this House of a motion detailing a comprehensive drug strategy, including an amendment moved by his government, which stated in part—

... rejection of injecting rooms or the legalisation of marijuana or other illicit drugs as effective measures to address the illicit drug trafficking and use.

I refer also to his federal leader's announcement on 9 October that he supported the use of heroin trials throughout Australia. Given that federal legislation overrides state legislation, I ask: is the only sure way to keep Queensland free of heroin trials to reject Mr Beazley at the polls?

Mr BEATTIE: Before I answer the member's question, I say that I understand that the Australian Prime Minister has indicated that Australian forces are being deployed overseas in a bid to aid the war against terrorism. The Prime Minister said that the initial deployment would include two P3 long-range maritime aircraft, an Australian special forces detachment and so on. I understand that the deployment will involve about 1,550 troops. I would think that all honourable members' best wishes and prayers would go with those Australian troops.

Honourable members: Hear, hear!

Mr BEATTIE: I expect every member to join me in indicating our best wishes. A lot of these troops have over time been based in Queensland, particularly in Townsville and also out at Enoggera. All honourable members have in different capacities had an ongoing relationship with them. On behalf of the whole parliament—and I know I speak on behalf of the Leader of the Opposition—I wish them and their families well during this difficult time.

Let me move on to the serious issue of drugs that has been raised. I understand the question. Recently, after discussions with me, the Minister for Health engaged in a visit to a couple of facilities in Europe—

Mrs Edmond: Switzerland, Germany.

Mr BEATTIE:—Switzerland and Germany—where a number of these so-called heroin trials and other approaches to drugs are being pursued. The Minister for Health will eventually be bringing a submission to cabinet. On her return she gave me some initial advice, which I will come to in a moment. I have always opposed heroin injecting rooms for all sorts of reasons. For example, I think there is a honey pot effect. I do not think they work. I think we have to pursue the long-term strategies that we have been pursuing. A number of people have argued for heroin trials. We have seen comments by Jim Soorley. Kim Beazley has made some comments. A string of other authorities on this area have made comments. I asked the Minister for Health to have a look. Frankly, at the end of the day, we want to save lives. There are political imperatives here. The Leader of the Opposition and I understand that. But our responsibility is to save lives and to protect our kids.

Mr Horan interjected.

Mr BEATTIE: The member is a parent like I am. I know he takes this as seriously as I do.

The basic outcome that the Minister for Health has indicated to me is that it is very much horses for courses. It depends on the particular area or the circumstances where the population is and the practices that are being pursued. The bottom line is that, in her view, based on the experience in Europe, we do not have the ingredients in Queensland—and I am happy to go through these circumstances with the member privately if he wishes—that would warrant the establishment of injecting rooms here. That is the Health Minister's view. That is a view that I share.

I am indicating to the Leader of the Opposition that, unless there is some evidence that comes along that changes that view, the government does not support heroin injecting rooms. Let me move on. It is not good enough just to say what we will not do. It is important to say what we are doing.

I wish to mention briefly that there are Positive Parenting Programs and school nurses. They have been working. The minister issued a release about that the other day. There have been a number of diversion strategies in our courts. The Attorney-General has made reference to this. There have been a number of initiatives that the Attorney-General, on behalf of the government, has announced recently. Rod Welford has spelt them out. We have been working closely with the Prime Minister. As I said, there have been the drug court trials and a number of commitments to rehabilitation. We have a very comprehensive total package to deal with the issue of drugs.

As I say, as a parent of teenage children I find this issue very distressing, as I am sure do all honourable members. We believe our total package is the answer. I have to say that I am absolutely delighted with the response that the school nurses program is getting in our schools. They are in essence the unsung heroes. Children can go along and talk to the nurses about their problems, and this helps to prevent young people using drugs.

Goods and Services Tax

Mr HORAN: I join with the Premier on behalf of the opposition in wishing those families every safety for their loved ones who are representing our country in this very difficult time in that theatre of war.

I refer the Treasurer to the fact that yesterday he said that Queensland was guaranteed a set amount of GST funding and that there will be no effects from the Beazley roll back plan. I refer to the letter written by his predecessor, David Hamill, to the federal Treasurer in January last year strenuously arguing that no roll back of GST should be attempted, because of the damage that it would cause to core service delivery, such as health and education. I table that letter and I ask: will he detail from his briefing notes the guaranteed GST amounts for Queensland for the next three years? On the basis of Mr Hamill's letter and his advice then from Queensland Treasury officials, could he tell the House what tax increases or service cutbacks would be caused by that Beazley roll back?

Mr MACKENROTH: I, quite frankly, do not have the figures here in the parliament with me, but I will get those figures for the honourable member.

Mr Horan: You should have it. You got asked that question yesterday. You should have that sort of information. It is a logical thing to have in your briefing notes.

Mr MACKENROTH: When asked the question yesterday, I was referred to page something of budget paper whatever and to a particular table. I think the budget papers consist of 10 documents. With the Ministerial Portfolio Statements, there are another 20 books. Based on the question I was asked yesterday, I could have been on the ball and brought 30 books in here with me today just in case somebody asked me a further question. Perhaps I could have spent the three minutes looking through the 30 books to see whether I could find the right page.

What I said yesterday is that under the GST agreement that we have with the Commonwealth we have a guaranteed amount and if we do not reach that amount there is budget balancing assistance paid to the states. In relation to any roll back by a future federal Labor government, the Premier advises me that the Leader of the Opposition, Kim Beazley, has given an assurance to the state premiers and state leaders of the Labor Party that in any roll back he will guarantee that there is no loss of revenue to the states, and that is the important thing.

Cape York Heads of Agreement

Ms BOYLE: I refer the Premier to the recent signing of the Cape York Heads of Agreement in Cairns, and I ask: what role will local residents and organisations have in resolving land and conservation issues and developing a framework for the future of this important part of Queensland?

Mr BEATTIE: I thank the member for Cairns for this very important question and her interest in it.

This agreement commits the Queensland government to working with local people and organisations to resolve land use and conservation issues. The agreement provides a framework

for the future. Cape York, as we all know, is a unique place and requires a unique approach to deliver certainty for the communities, economic rewards and conservation outcomes. This agreement is the blueprint for that.

Combined with the work we are doing through Cape York Partnerships and the Cape York Peninsula 2010 process, the heads of agreement provides a framework for the stakeholders to resolve competing interests in a spirit of cooperation. The hard work and input of my ministerial colleagues Steve Bredhauer, who also happens to be the local member, and Stephen Robertson have been pivotal in this. A key element is the adherence to the CYPLUS requirement to assess the regional, national and international environmental and cultural significance of the region. This will ensure that one of the last wilderness frontiers of this nation is properly protected for future generations. The comprehensive approach also recognises the ongoing occupation of the cape by traditional owners, their legal rights and their future participation in the development and wealth of their region. The agreement will provide for tenure upgrades of pastoral properties in the cape to give added certainty to the industry.

I am pleased to say that the Queensland Conservation Council has offered congratulations to the government on this decision. Coordinator Felicity Wishart has written to me, describing the agreement as historic and saying that the government's signing takes the agreement a giant leap forward, and it does. The original parties to this agreement representing Aboriginal, pastoral and conservation interests had the foresight to get together in 1996. I said in 1997 that the key to future success, not only in this region but wherever native title is an issue, is finding and developing the common ground and goodwill between indigenous and non-indigenous residents and conservation and development interests. Unfortunately, the coalition let it wither on the vine, because in 1997 I was Leader of the Opposition.

Since we came to office in 1998, we have been working away to breathe new life into the agreement. The people of the cape showed great commitment to working together through the CYPLUS process, and it is incumbent on government to seize the opportunity offered by this consensus.

My government has repeatedly demonstrated that the best way to resolve native title, land use and conservation issues is by working together to negotiate outcomes that will work on the ground. In other words, my government took a major step forward in achieving agreement on a sustainable future for Cape York with the signing on 17 September of the historic Cape York heads of agreement in Cairns in conjunction with our community cabinet meeting. I signed it on behalf of the state government. It is one of the most significant achievements of this government.

Greenhouse Gases, Kyoto Protocol

Mr JOHNSON: I refer the Honourable Minister for Transport and Minister for Main Roads to Mr Beazley's promise to ratify the Kyoto protocol on climate change and to introduce enforceable emission targets if he wins government.

Mr Schwarten interjected.

Mr JOHNSON: We will see about Canberra. Even though Australia contributes only 1.5 per cent of world greenhouse emissions, the Australian transport industry is estimated to contribute 72.5 million tonnes of emissions. The estimated cost of proposed emission penalties has been put at between $10 and $60 per tonne, or a penalty of between $720 million and $4.2 billion. I ask the minister: does he support the Beazley plan to condemn the Queensland Transport industry and the Queensland motorists to higher fuel prices?

Mr BREDHAUER: Yes, I do support the Beazley plan, but it does not do what the member for Gregory says. We need to recognise that transport in Queensland and Australia contributes about 17 per cent of overall greenhouse gas emissions. We as a government, and the federal government as a government, have a responsibility to do something about that. That is why we as a government initiated the Integrated Regional Transport Plan process. That is why when the member for Gregory was a minister the opposition when in government supported the Integrated Regional Transport Plan process. That is why we have been focusing on initiatives to improve public transport in south-east Queensland: so that we can reduce greenhouse gas emissions. That is why we have recently signed, as all state governments have, on to new emission controls. That is why we have been working with the oil producing companies to reduce the particulates that are in the oil that they produce—so that we can have a general impact on reducing greenhouse gas emissions.

It is a whole-of-government approach at a state level. It requires a whole-of-government approach at a Commonwealth government level. But it goes beyond just the national boundaries of Australia; there must be an international commitment to reduce greenhouse gas emissions, otherwise we are all going to suffer the consequences, and all countries and all states must be prepared to play their part. We will do that in a way which protects the industries, including the important transport industry, the energy industry and the other industries as well as the jobs that are associated with them.

The problem here is that the coalition in Canberra and their spokespeople—their mouthpieces on the other side of the House—are espousing this claptrap and not taking seriously the issues. It is ironic that the member chose today to ask this question. Today was Ride to Work Day and the pollies have been out there riding to work, including the member for Gregory. He and the member for Warwick were actually on a tandem bike, if you can believe it. It looked a bit like Laurel and Hardy.

Mr Welford: They were heading in opposite directions.

Mr BREDHAUER: The only problem was that they were going in different directions. We were looking for a three seater bike, because then the whole Liberal Party could have taken part in the pollies' bike ride as well.

Mr SPRINGBORG: I rise to a point of order. After the bike which we rode I think I prefer a car.

Mr BREDHAUER: They were out there supporting it, along with many members from the other side, and I will not attempt to name them all. They know how important it is that we promote cycling in Queensland as one of the alternative forms of transport to the private motor vehicle so that we can reduce vehicle emissions. I thank the member for Gregory for his support.

Gatherings Exhibition; Mr R. Hurley

Ms LIDDY CLARK: I refer the Premier to the fact that Ron Hurley, who lives in the electorate of Clayfield, is a well known artist and the chair of the indigenous reference panel that selected the artwork that was featured in the recent Gatherings exhibition at the Brisbane Convention and Exhibition Centre and also in the Gatherings book, and I ask: can he detail the importance of this exhibition?

Mr BEATTIE: I thank the member for Clayfield for the question. I also thank her for her great hospitality when the community cabinet met in her electorate on Sunday and Monday. All I can say is what a class act!

I thank Ron and all the reference panel members for their work in putting together this important exhibition. The Gatherings exhibition, which I, along with Judy Spence, the Families, Aboriginal and Torres Strait Islander Policy and Disability Services Minister, opened as part of the CHOGM People's Festival at the Brisbane Convention and Exhibition Centre on 2 October, and the Gatherings book that I launched on the same day, are important for a number of reasons. I table this publication for the information of all members.

The exhibition and the book represent the extraordinary rich and diverse artistic offerings of Queensland's indigenous artists. The Gatherings book features the artwork of 105 indigenous artists from across Queensland and includes a wide range of work, from traditional carvings and weavings to compelling contemporary statements by visual artists living in urban settings. The book will be distributed worldwide through Queensland government trade missions and will be aimed at major international dealers and art fairs specialising in indigenous art.

This state government initiative will showcase this art to the rest of the nation and the world. For too long the work of Queensland artists has been overshadowed by the focus on indigenous art from the central desert and north-west of Western Australia—great as it is. Already the project has engaged over 300 artists. All will be accommodated in a proposed web presence which will form the second stage of the project.

This project acknowledges the critical role that art has always played with indigenous culture. This exhibition and book are important also because art could help pave the way towards economic independence for indigenous communities. Social and economic problems facing indigenous communities could be helped by the rebuilding of culture and the development of the indigenous art industry. Many of Queensland's Aboriginal and Torres Strait Islander artists have already found an appreciative audience in international markets, particularly in Europe. My government is committed to growing those markets and assisting more of our gifted artists to reach the point of breakthrough.

This is the first phase of a major initiative I announced in March to support and develop Aboriginal and Torres Strait Islander artists and this industry. The project was funded by a special Centenary of Federation grant of $270,000. I thank Judy Spence for her support. The Minister for the Arts and his department do a great deal in this area as well. They are organising a major exhibition for 2003 which, again, will be an enormous opportunity for indigenous artists to get an outlet. The Minister for the Arts has written to all ministers recently about that exhibition and how we can work collectively as a government to make it a success.

If you add that publication of Gatherings to what the Minister for the Arts is doing, you will see that in a very significant way we are going to give Queensland indigenous artists the opportunity to present their work to the world in an unprecedented way—a chance they have never had before. Isn't it about time?

Mr SPEAKER: Order! Before calling the member for Gympie, I welcome to the public gallery students and teachers of the Bray Park State High School in the electorate of Kurwongbah.

Respite Centre, Gympie

Miss ELISA ROBERTS: I ask the Minister for Families and Minister for Disability Services: does she have any plans to provide a much-needed respite centre for Gympie, as the closest respite centre for people with a disability in Gympie is located in Maroochydore and has a four-year waiting list?

Ms SPENCE: As members would be aware, the Department of Disability Services has a budget of $304 million this year. We plan to allocate $8 million to respite services throughout the state. As part of the Beattie government's election platform, we promised to establish an additional 10 respite centres during the term of this government. I was very pleased to go to Logan City in Mr Mickel's electorate last Friday to open a respite service for children in that area.

Part of that election commitment was to announce the areas where those 10 additional respite centres would be located. I am not sure if Gympie was one of those areas announced, but most of the respite centres are going into regional and rural Queensland. They will all be up and running during the term of this government. In terms of Gympie, I am happy to look into that and get back to the member.

National Education Alliance

Mr REEVES: I refer the Minister for Education to the fact that Kim Beazley chose to launch the National Education Alliance in Brisbane last week. I ask: what is the significance of this alliance and what does it mean to Queensland?

Ms BLIGH: I thank the honourable member for the question. His interest in the schools in his electorate is well known. I am visiting Wishart State School in the electorate of Mansfield on Friday and look forward to that visit with him. I was tremendously pleased that Kim Beazley chose to come to Queensland to sign the National Education Alliance at Coopers Plains State School last week. This alliance has been signed by the Queensland Premier, Peter Beattie, and all other Labor leaders in this country. They have signed it because it is part of this and every other state's attempt to address the educational challenges that we face. It commits each of the Labor premiers to work with a Labor federal government to ensure that there are real increases in education spending across this country. It also commits an elected federal Labor government to a $50 million capital spending program to be matched dollar for dollar by the states.

The critical goal of the Education Alliance is to ensure that nine out of 10 young Australians leave their teens with year 12 or equivalent, which is in line with our aim here in Queensland to increase our retention rates. These are goals that can only be achieved with a collaborative effort between the states and the Commonwealth. This alliance stands in stark contrast to the divisive policies of the federal coalition, which has guaranteed increases of millions of dollars to elite southern schools while disadvantaging states such as Queensland. When he was here, Kim Beazley spoke of the money that The King's School in Sydney will receive by 2004. King's School, with its 13 sporting ovals, rifle range, boat shed and so on, will receive an extra $1.4 million a year. It is fine if you go to King's School, but if you go to a state school in Queensland in places like Kingston or Kingaroy the increase will be measured in the thousands, not in the millions.

Of the 58 elite schools receiving that kind of benefit, only two of them are outside New South Wales, Victoria and South Australia and only a handful of these are outside capital cities. This is

not a policy about looking after the children and the schools of regional Australia or regional Queensland. This morning we saw those opposite supporting the federal coalition's policies one after another. However, we will not hear them supporting its education policy, because it is not about the needs of a state like Queensland. Queensland's state schools, Catholic schools and independent schools are missing out because of the policies of the Howard government. We are not prepared to promote division in our schools in Queensland, which is why we have increased our funding by more than nine per cent to both state and non-state schools this year.

Last week was a great week for education in this country in my view. We saw the prominent Australian Rupert Murdoch, the Business Council of Australia and the Australian Council of Deans come out calling for more national leadership on the issue of education. We know that it is a challenge. We are determined to meet it. It will not be met unless it is a priority for both state and federal governments. It is not a priority for the current federal government, and it will not be if it is re-elected. Our government knows how important these issues are. Corporate Australia is responding to them. Rupert Murdoch knows how important they are. Even the Channel 9 worm knows how important they are.

Mr SPEAKER: Order! Before calling the member for Callide, I welcome to the public gallery students and teaches of St Finbarr's at Quilpie.

Greenhouse Gases, Kyoto Protocol

Mr SEENEY: My question is to the Minister for Natural Resources and Minister for Mines.

Mr SPEAKER: Sorry, I meant to say that St Finbarr's is in the great electorate of Gregory.

Mr SEENEY: We all knew that, Mr Speaker. Some of the Brisbane members had trouble with it, but we knew where it was.

I refer the Minister for Natural Resources and Minister for Mines to the promise of the federal Labor leader, Kim Beazley, to ratify the Kyoto protocol on climate change despite the fact that Australia produces just 1.5 per cent of global greenhouse gas emissions and despite the fact that nations such as China and the USA have refused to do so. I also refer the minister to a report commissioned by the Minerals Council of Australia which found that employment in Queensland would fall by more than 3.5 per cent and that more than 50,000 jobs related to the mining industry in Queensland would be lost in regional areas if that protocol was ratified. I ask: does he support Kim Beazley's plan to force thousands more Queensland mining industry workers on the dole queue and decimate the Queensland mining industry?

Mr ROBERTSON: I thank the honourable member for the question, a question which demonstrates how intellectually barren members opposite are when it comes to complex issues such as greenhouse gases. For the member to take what has been announced by the federal Opposition Leader, Kim Beazley, and suggest, as he has, that the impact would be massive job losses is frankly a load of nonsense. The member for Callide knows that part of the deal with respect to greenhouse gas emission reductions is to introduce proper market mechanisms to allow for carbon sequestration to offset greenhouse gas emissions from industries such as the mining industry.

For the member opposite to have suggested what he has is just grossly irresponsible and, as I said, intellectually barren. He knows that only a number of weeks ago he stood in this place and supported legislation brought in by me with respect to diversification of leasehold land and the ability to move down the path of establishing a carbon credit scheme in this state. It is the basis of that scheme which supports the commitment by federal Labor to embrace Kyoto protocols. He knows that, yet today he has gone for a cheap headline. I welcome the commitment by federal Labor for one reason: because finally we will get some sanity into the tree clearing debate. Under a federal Labor government we will finally get a cooperative relationship with the federal government to tackle some fundamental problems here in Queensland.

Only a number of weeks ago the Premier stood in this place and challenged Robert Hill to release 25 per cent of the $400 million available under the federal government's greenhouse scheme to compensate land-holders for tree clearing. The benefit of that would be a 50 per cent reduction in Australia's greenhouse gas emissions. So 25 per cent of that funding would equate to a 50 per cent reduction. What did Senator Hill say? Absolutely nothing! The federal government has done absolutely nothing over the last three years in terms of addressing the greenhouse gas issue. That is why after 10 November I look forward to working with a federal

Labor government to address these fundamental issues, issues on which the mates in Canberra of those opposite remain absolutely silent.

Roma Street Parkland

Mrs ATTWOOD: I refer the hardworking Minister for Public Works and Minister for Housing to the Roma Street Parkland developed by the state government at a cost of a well-spent $72 million and ask: can the minister inform the House of any other recent exciting developments at the parklands?

Mr SCHWARTEN: I thank the member for her very well-written question. It is easy to see that she is in fact doing her own work, whereas the people in Canberra are writing the questions for the members opposite this morning.

It was always intended that the Roma Street Parkland would be an ongoing and developing asset of this city. When this government transformed the land from the contaminated rubbish heap we inherited from the previous government, it was always our intention to make this site a place that all Queenslanders, all Australians and all international visitors would want to come to. That is proving to be the case, with 12,000 people visiting the site each week. That is some 600,000 a year—about one-sixth of the population of Queensland. In light of the fact that the project is in its first stages, I think that is a very positive assessment of what we have created there. Just last Monday night I joined with the Premier in opening the latest addition to the Roma Street Parkland—an eatery, leased by Glen Boyle, entitled Tomoko. That will provide yet another addition to that premises.

In recent times we have conducted surveys—there have been some 370 face-to-face interviews with visitors to the parkland—to determine how we might better provide service in that area. Nine out of 10 people who visit the gardens have nothing but pleasant remarks to make about it. There is a very, very small complaint rate. Most people are interested in joining with us in finding ways to enhance it.

Mr Beattie: What about the people getting married there?

Mr SCHWARTEN: My advice to anybody who wants to get married there is to book early because places are running out. At this rate people will have to get married in the middle of the night because it is so popular.

Ms Spence: Marriage by candlelight.

Mr SCHWARTEN: The Minister for Families says it will have to be marriage by candlelight. That idea will probably take off! We will probably have a few funerals going on there soon as well. It would probably be a good place to get planted from. The reality is that we will always find a new use for these gardens and we will always find ways to value add.

Recently we announced that the second stage of the development, the housing development, will go to a Queensland firm, Pradella. That was always intended to be the case. That development will complement in very many ways the great work we are doing there. It will provide a level of security as well as be a great amenity in terms of livability.

Finally, the children have not been left out. The Minister for Families was bashing my ears and complaining that there was not enough there for kids. I advise her that we have provided another playground in the area for the kids.

Recreation Areas Management Board

Dr KINGSTON: My question is directed to the member for Murrumba.

Mr SPEAKER: Order! The member should direct the question to the Minister for Environment.

Dr KINGSTON: My apologies. My question is directed to the minister—the honourable minister. The Queensland Recreation Areas Management Board was constituted under the Recreation Areas Management Act 1988. The objectives of the act are to provide for a system of recreation areas throughout Queensland and, in relation to those recreation areas, to provide, coordinate, integrate and improve planning, development and management on recreation areas, and to provide for the collection of funds from the users of recreation facilities and services provided. The board has a wide range of powers and delegates the day-by-day management to the Queensland Parks and Wildlife Service. The board controls its own funds, which are managed

by the EPA. The recreation area's management regulation was due to expire on 1 September 2000. Can the minister reveal if the board has been reconstituted? If not, how are its strategies, funds and legislative powers now administered? Finally, did the board efficiently achieve its objectives on Fraser Island, Moreton Island, Green Island and Inskip Point with the $3 million that it collected in the last year?

Mr WELLS: I thank the honourable member for his question. The member for Murrumba does not answer questions in this place. I do not have any right as the member for Murrumba to answer questions about environmental issues. However, as Minister for Environment I am happy to answer the question, but the member should not blame the people of Murrumba for anything that I might say. They all think very highly of the honourable member for Maryborough because they may have relatives in his electorate who may have made a mistake in whom they last elected, but they forgive them.

The interesting readings from technical documents, which the honourable member has provided to the House, are very much appreciated. What the honourable member is really driving at are issues relating to four-wheel drives, recreation areas, management and that kind of thing.

My ministerial predecessor, the now Attorney-General, gave an undertaking that there would be no net loss of recreational amenity. That has been fulfilled, and fulfilled in spades. The areas within conservation parks where people can drive their four-wheel drives have been dramatically increased as a result of the activities of this government. Through Glenrock alone we have ensured that there are hundreds of additional kilometres of road on which four-wheel driving can be undertaken. I also indicate that the government is committed to the spirit of the Heritage Trails Network. Horse riding in areas where we have forests—

Dr KINGSTON: Mr Speaker, I rise to a point of order. With respect, I did not ask about recreational areas in terms of area. I asked about the board and whether it had been reconstituted, because under the act it expired in September 2000.

Mr WELLS: With respect to the management of these areas, advisory committees are in place. But the areas are administered under acts and those acts have not expired. I do not believe that the honourable member is taking the time of the House to raise issues relating to technicalities, but if he wants to know the names, dates and places of the various appointments that have taken place, I will be very happy to provide him with a schedule. I will do that this afternoon.

Let me get to the political issue behind this. The areas in conservation parks, the areas that are being made available for uses such as horse riding, four-wheel driving and other kinds of recreational uses that are inconsistent with the establishment of a national park, will not be reduced. They will in fact be increased. The closure of the roads on Fraser Island about which the honourable member has raised multiple issues is an issue which is being addressed with the locals, but those roads are going to stay closed. At the same time we will have more areas, not fewer, in which people can drive their cars.

Export of Education

Mr MULHERIN: Can the Minister for State Development explain what the government is doing to boost education as an export throughout the regions of Queensland?

Mr BARTON: I thank the member for the question. I think the parliament well knows that my Department of State Development is very industry bent in its pursuit of the development of Queensland's regions. Export of education is one aspect. I refer particularly to our regions' educational experience and expertise, because we are very good at that.

Earlier this month Queensland's push to become a prime destination for international students was further progressed by a visit to northern and Central Queensland by a delegation of Asian based Australian education representatives. Four directors from Australian Education International branches from Japan, Taiwan, Thailand and Malaysia visited export education cluster groups in Cairns, Townsville and Rockhampton between 2 and 4 October. The AEI directors' visit to Northern and Central Queensland has enabled education providers in each of these regions to gain an insight into the respective overseas education markets and, in addition to that, to gain very important market entry information that is needed for them to pursue those opportunities. The AEI representatives also developed a better understanding of the institutions and opportunities in these respective regions of Queensland.

The Queensland government's Trade and Investment Office in Taiwan coordinated the program and made the arrangements through state development centres in Cairns, Townsville and Rockhampton. But it was also the clustering and strong collaboration of the Central and North Queensland education sector by those sections of my department which made this very successful visit take place and, we believe, culminated in a degree of success.

The government is committed to encouraging members from a diverse range of industries to cluster together, to pool their resources, boost their collective strengths and increase the opportunities for Queensland's enterprises, not just in education but, of course, in a range of others. This does extend to the state's education sector, and it is really paying dividends. I will refer to some of them.

International education is an export priority, and it is already an important revenue generator for Queensland's economy, particularly in the regions. In Cairns, earnings are around $30 million and are expected to grow to $140 million by 2010. Over 7,000 international students visit Cairns each year, and the sector is growing. In Rockhampton, approximately 25 per cent of the Central Queensland University's 18,000 students are international students. That is providing earnings of $60 million, and growth rates are currently exceeding 30 per cent. The students are very impressed by Queensland and the quality of its education facilities.

It is the coordinated efforts of my department's Trade and Investment Offices and regional development centres that are further developing international relationships and identifying these great opportunities for the regions.

Greenhouse Gases, Kyoto Protocol

Mr ROWELL: I refer the Minister for Primary Industries to Kim Beazley's promise to ratify the Kyoto protocol and introduce enforceable emission targets despite the US—our biggest competitor in the international meat trade—refusing to. I also refer to the fact that the livestock industry produces some 15 per cent of the nation's greenhouse emissions, for which the Australian Greenhouse Office has costed emission penalties at between $670 million and $2 billion every year. I ask: does the minister support Kim Beazley's plan to tax Queensland's livestock industry and give the US a massive trade advantage?

Mr PALASZCZUK: I thank the honourable member for the question, which certainly is not unlike the question on notice that he wrote yesterday and no different from the press release that the honourable member put out yesterday, as well.

This is literally just a lot of hot air coming across from the National Party. That is all it is. I have checked with federal Labor, and there is absolutely no plan whatsoever to introduce any tax on flatulent emissions by livestock. That is what the member is on about. Is he on about burps or is he on about flatulence? What is he on about? There is a distinction. I will give the member the benefit of the doubt, and I will speak about burps.

I think it was in March 2000 that the honourable member opposite raised a similar issue, but at that time he was attacking the Howard government because Costello was thinking about introducing that tax. There is absolutely no such proposal whatsoever from a Beazley government. It is a complete nonsense. Let me ask a question: who is going to measure the burps of 11 million beef cattle in Queensland? Who is going to do that? Tell me who!

Honourable members interjected.

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

Mr PALASZCZUK: Could I bring a bit of sanity back into the debate? The answer to this question does not lie in a tax; the answer to this question lies in research. And on that point the Department of Primary Industries is doing quite a deal of research to reduce the burps of livestock in Queensland. We are looking at it in the following ways: improved feed conversions, the management of protein and nitrogen in animal diets and new feed additives to improve feed conversion and reduce gas production. The answer is not a tax, but research in the Smart State.

Mr SPEAKER: Order! Before calling the member for Ferny Grove, I welcome to the public gallery students and teachers of the Iona College in the electorate of Lytton. I also mention that the Government Whip is a former teacher of that school.

Brisbane Lions

Mr WILSON: My question is to the Premier, and I have adopted the encouragement of the Minister for Public Works to write out my question to the Premier. The Premier knows that the sporting fields of this state are often battlefields. I know this well, too, as the patron of the Ferny Grove Falcons junior Australian football club and as a staunch member of the Brisbane Lions Australian football club, having recently rejoiced in the Lions winning the AFL premiership. I simply must ask—in fact, I am compelled to ask the Premier: has the state been able to assist in ensuring that as many Queenslanders as possible—and not just those in Brisbane—are sharing the state's sporting successes?

Mr BEATTIE: I acknowledge the member's keen interest and participation in sport and his support of the Lions. Saturday, 29 September was a most memorable date in the sporting life of this state. That was the day that the Brisbane Lions wrote their name into Australian football league history by winning their first-ever flag to come north of the Murray. And what a great day it was. It was my pleasure to be on hand, along with the Deputy Premier and Minister for Sport, for this historic win following an invitation from the Victorian Premier, Steve Bracks, and the AFL to join them for the grand final and associated functions in Melbourne.

Like all Queenslanders, I am proud of the Lions' hard work and their achievements both on and off the field. We have already upset our Victorian friends, not only for winning one of their most valued trophies but by our suggestion that if Australian Rules is truly a national game then a grand final should be held in Brisbane.

As a result of the Lions' 26 point great win, the state government held a state reception in their honour here at Parliament House two weeks ago, and I appointed them honorary ambassadors for Queensland; their historic win demanded such recognition. The Brisbane Lions premiership means Queensland has now been the premier state in all four football codes—the only state that can boast such a record.

Again, like all in this House, I know there are Lions followers right across the state. So last week I authorised the use of the government KingAir to allow more people access across the state to see the AFL's premiership cup. On Sunday, the premiership cup and three flag-winning players flew with my Parliamentary Secretary, Darryl Briskey, to Cairns, Townsville and Mackay. A similar offer was taken up when Queensland cricket won its first Sheffield Shield in 1995. It was a tough job for my parliamentary secretary, but someone had to do it. All of Queensland rejoiced in the Lions' 26 point victory and it is only fair that as many Queenslanders as possible get the chance to share in that great victory. We always remember that, while Brisbane is a great city, Queensland is more than just Brisbane.

Continued support for sporting codes throughout the state reaps an obvious reward, but it is not just the elite sports. This year my government has increased spending on sport from $107 million to $119.5 million. That is an increase in spending on a range of programs to help construct facilities, support development and to boost participation. It should be noted that that figure does not include operating expenses and corporate service allocations.

Apart from us being able to share in the success of the likes of the Lions, the Maroons, the Reds, the Bulls, the Firebirds and the Scorchers, we are about providing a healthy, friendly environment for our youth to learn sporting and social skills and to prevent people moving on to drugs and other problems. The state's sporting fields might be places of intense competition, but at least their battles remain within the sidelines. There are no tougher combat zones than those at a number of stadiums.

Freedom of Information

Mr QUINN: I refer the Premier to the government's decision to substantially increase the costs associated with FOI requests, and I ask: why is the government not using technology, which is readily available, and following the lead of Sweden and other countries that require all of their agencies to list on a public register each individual document in their possession, or does the government, which claims to be promoting the Smart State, not believe that we should be using technology to improve its openness and accountability?

Mr BEATTIE: In terms of the last question, I table the rest of my answer for the information of the House. I point out that, in my rush to complete it, I should have said that that money includes operating expenses.

In terms of this question, as members know there is legislation before the House. I am not going to take a fine point on that, because although we need to follow standing orders, I will talk in a general sense because I want to face this issue head on. We are ensuring that people who can afford to pay for freedom of information pay for it. It is a very simple principle. No individual who makes an application for information for themselves pays anything. It is free, and so it should be.

I say this with great respect: if we asked Queenslanders, 'Should the *Courier-Mail*, owned by Rupert Murdoch, pay for freedom of information applications, or should some battler living at Woodridge pay for it?', I know what they would say. They would say that Rupert should pay for it.

Recently, Rupert Murdoch made a very important speech in relation to education. He talked about the principles that my government supports. I applaud what Rupert Murdoch said. I believe that Rupert Murdoch would agree with me and my government when I say that I would rather see that money spent on education to ensure that our children get a fair go than simply sucked out of education for FOI applications by the *Courier-Mail* or other media organisations. This issue is about equity and fairness. This is about ensuring that people have access to information. For anybody who applies for their own material, the application is free. Those organisations such as the *Courier-Mail*, which can afford it, should pay for it at a reasonable rate. Who wins out of that? Everybody does, because it means more money for education and more money for health. I believe that every Queenslander who is fair minded will stand by us.

Let me say this again. If we asked the community, 'Should the *Courier-Mail* pay for freedom of information applications or should the battlers of Woodridge pay?', they would say that the *Courier-Mail* should pay for it. I say to the editor and to those other people who write stories for the *Courier-Mail* that this government is committed to FOI. We are committed to openness and transparency, but we are also committed to a fair go for Queenslanders. The people or organisations who should pay for applications that are not applications for an individual's information are those who can afford to pay for it, such as the *Courier-Mail*.

We have not used cabinet, nor will we use cabinet, to exempt material under FOI that should be available. However, the cabinet should be able to get on with its job, and it will get on with its job. I am not going to support, nor will the government support, an impediment to the role of cabinet getting on with its job. At the end of the day, this is about a government being able to get on with its job and we are not going to be sidetracked by any circus pursued by any media outlet or the opposition. It is very simple.

Salinity

Mr STRONG: I refer the Minister for Natural Resources and Minister for Mines to the fact that last January Queensland became the first state to sign up to participate in the Commonwealth's $1.4 billion national action plan to combat salinity. I ask: is the minister concerned that, nine months down the track, Queensland is still waiting for the Commonwealth to sign the bilateral agreement necessary for us to be able to release funding for the important NAP projects in the Burnett and other areas in this state?

Mr ROBERTSON: I thank the honourable member for the question. Quite simply, the answer is yes, I am concerned that the federal government continues to stall on signing the National Action Plan on Salinity and Water Quality in terms of the bilateral agreement with Queensland. As the member quite rightly pointed out, in January this year Queensland became the first state in Australia to sign the intergovernmental agreement with the Commonwealth to initiate a $1.4 billion program to combat salinity and improve water quality in Australia. The plan will see the Beattie government and the Commonwealth jointly fund $162 million worth of projects across Queensland over seven years. That is why today I think that it is appropriate to express disappointment and frustration at the lack of action by the Commonwealth in implementing the national action plan in Queensland.

Nine months after Premier Beattie signed up to the national action plan, Queensland is still waiting for the Commonwealth to sign the bilateral agreement that is necessary for us to start salinity projects in Queensland. On 23 July, state cabinet approved the bilateral agreement, and the agreement signed by the Premier on 2 August has been sitting on the Prime Minister's desk since early August. The problem is that, until the Commonwealth signs that bilateral agreement, we cannot allocate any of the $162 million in joint funding to be spent on projects in Queensland. That means that we are losing valuable time putting in place early measures that may prevent

salinity problems occurring, especially in irrigation areas. Now that the Howard government is in caretaker mode, we can expect even further delays.

I do not know whether or not the federal government is stalling deliberately, but I find it curious that days after receiving the bilateral agreement from South Australia, the federal government—Senator Hill and the Prime Minister—signed the bilateral agreement with South Australia.

Mr Bredhauer interjected.

Mr ROBERTSON: As the Minister for Transport just pointed out, it is perhaps curious that Senator Hill comes from South Australia.

We take this matter very seriously. That is why today I call on the Commonwealth government to stop the delay. The other thing that today I take the opportunity to highlight—and which is contained in Kim Beazley's policy, which has been the subject of some discussion today—is the fact that this year alone the federal government has wasted some $7 million on television advertising out of the Natural Heritage Trust budget. That $7 million could be put on the ground for Landcare works throughout the state. That $7 million could be spent in the electorate of the honourable member for Burnett to address the problems of salt water intrusion into the aquifer there or salt water intrusion into the aquifer around Mackay, which, curiously, is outside the boundaries of the national action plan on salinity. This is an opportunity for the federal government to stop wasting this kind of funding.

Tree Clearing

Mr HOBBS: I refer the Minister for Natural Resources and Minister for Mines to Kim Beazley's promise to ratify the Kyoto protocol on climate change, imposing a major cost on rural industry and giving a distinct advantage to our overseas competitors, and his plan to introduce a cap on tree clearing. I remind the minister of his media release of 1 March 2001—which, incidentally, he has taken off his web site—titled 'Commonwealth imposed tree clearing caps not the answer', in which he stated, 'The big stick approach just won't work.' I also remind the minister that during the estimates committee hearings he stated that he stood by his media release. I ask: does the minister still oppose the introduction of a tree clearing cap or has he rolled over for Kim Beazley?

Mr ROBERTSON: I thank the honourable member for the question, because I actually had not finished the previous answer. That $7 million of television advertising could have made its way into each of the electorates of the honourable members for the on-the-ground works of their Landcare groups. That is the dishonesty. That is a gross waste of money by the federal government.

Yes, I welcome the opportunity to address this issue, because I know that, with a Beazley Labor government in Canberra, we will get through the nonsense that has been imposed on us by Senator Hill over the past three years.

During my answer to the earlier question asked by the member for Callide I highlighted the fact that out of their $400 million greenhouse strategy all we needed was $100 million—and that is what we have been seeking all along—with respect to advancing tree clearing measures. Twenty-five per cent of the greenhouse money that has been set aside, unspent by the federal government—

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

MINISTERIAL STATEMENT

Australian Magnesium Corporation

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.30 a.m.), by leave: I am aware of some criticism in this morning's press in relation to the government's support for Australian Magnesium Corporation, the AMC project. The concern appears to be focused on the government's support for the early distribution payments on the securities. I advise the House that this practice was employed by the Howard government in the Telstra sale process, the Commonwealth Bank third tranche sale and the Borbidge government in the Suncorp Metway float.

The distribution payments are not a gift from the state government. We are loaning AMC the money to pay those distribution payments and that money will be fully repaid at commercial interest rates. If AMC does not happen, then the loan will not be drawn down. It is that simple.

It is not just the Queensland government that believes this is a worthwhile project. The Howard government has also committed $150 million in support. Both governments obviously reject the claim that AMC is a high-risk speculative investment. We are not talking about a pie in the sky exploration float. This is a proven world-class technology, demonstrated in the Gladstone pilot plant, with half of the first 10 years production already sold to the Ford Motor Company. It is a new technology in minerals processing where the track record of some nickel ventures in the past has made markets somewhat sceptical about these investments.

However, if Australia does not support technology developed by CSIRO, which adds value to our natural resources, including the largest magnesite deposit in the world, where will our future economic growth come from? That is the question.

It is not for government to invest in these projects and we have not done that. We are simply helping AMC get on its feet with support which is to be fully recovered. I am sure that both the federal government and ourselves would have preferred a lesser exposure, but international circumstances made it very difficult to get this important project flying. I understand that the initial market response has been positive, underlying the value of the particular package presented.

I say to journalist Terry McCrann, who wrote this article for the *Herald Sun*, Melbourne, and John McCarthy, who wrote an article for the *Courier-Mail*: please, take the trouble to study in detail what the government has offered. I repeat that if the equity raising is not successful, only Stanwell has an exposure of $8 million, which has been secured with a first right of call against the assets of AMC; all other elements of the package would not proceed. This is responsible, it is sound and it is in the interests of the future of the Smart State of Queensland.

TAXATION ADMINISTRATION BILL

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.32 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act about the administration and enforcement of revenue laws.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Mackenroth, read a first time.

Second Reading

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.32 a.m.): I move—

That the bill be now read a second time.

Simplicity and certainty, efficiency and equity are the hallmarks of a good tax. The Taxation Administration Bill 2001 supports delivery on these criteria as it modernises Queensland's tax administration legislation and provides a platform for further improvements in tax administration into the future.

Taxation administration legislation has been, or is in the process of being, enacted by other jurisdictions. There is, however, no national scheme or uniform legislation. The bill has incorporated the best of other jurisdictions' models, as well as adopting in some instances new approaches where necessary.

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

Leave granted.

The main provisions of the Bill deal with:

- assessments (including self assessments and reassessments);
- review of taxation decisions;
- payments, refunds and collection of tax;
- interest and penalty tax;
- investigations and information disclosure;
- record keeping; and
- enforcement and legal proceedings.

Tax administration legislation was introduced into Queensland within the provisions of the Stamp Act 1894 over 107 years ago. Over the years, separate administrative provisions for each of the State's other revenue Acts were developed independently, resulting in significant duplication and inconsistencies. Additional administrative provisions were also introduced through the Revenue Laws (Reciprocal Powers) Act 1988 to facilitate interjurisdictional investigations and exchange of information. This legislation is effective but extremely complex.

The Taxation Administration Bill 2001 will establish a single administrative framework. It removes the duplication, complexity and inconsistencies and provides a consistent basis for streamlined tax administration by the Office of State Revenue. It also facilitates interjurisdictional investigations so that the Revenue Laws (Reciprocal Powers) Act 1988 is no longer needed. This is a significant step forward for tax administration in Queensland. With the Duties Bill 2001, the Taxation Administration Bill 2001 forms a legislative package that provides immediate benefits of increased certainty, simpler legislation and reduced compliance costs to Queensland taxpayers.

Once in place, the Bill will be applied progressively to the Pay-roll Tax Act 1971 and the Land Tax Act 1915. In addition to the benefits already described, this will result in increased equity as all taxpayers come under the single administrative framework.

A lot has changed since the Stamp Act 1894 was passed over 107 years ago. Gone are the days of dies, adhesive stamps, and of physical lodgement of voluminous tomes of legal documentation with the Commissioner of Stamp Duties. Gone, too, are the days of uncertainty, of complex legislation, and of the associated compliance costs. Increasingly, technology, particularly the Internet, is playing an important role in simplifying and streamlining business processes and commercial transactions. The Bill recognises this and provides flexibility for the future. Importantly, it also delivers immediate benefits for Queensland taxpayers.

The Taxation Administration Bill 2001 establishes for the first time a robust and effective regime for the making of self assessments. The Bill also provides clear, consistent and effective rights of review of assessment decisions through an objection and improved appeal process. The significance of these arrangements is that, for the first time, all taxpayers will have the right to have an assessment decision reviewed by the Supreme Court, including where a tax liability is self assessed.

It will also mean that, for the first time, appeals on stamp duty matters will not be limited to questions of law. This is a significant advantage over the current arrangements which may require taxpayers who dispute both factual matters and questions of law to institute two separate proceedings in respect of the same assessment. This will make the system fairer, saving time and money.

The Bill provides greater certainty to taxpayers, and to the revenue, by establishing clear principles for the making of tax refunds.

Taxpayers will also be pleased to see that the Bill adopts a compensatory, rather than punitive, model for the imposition of unpaid tax interest. This encourages taxpayers to pay their tax liabilities on time and compensates the revenue for any period that tax has not been paid. The system is also fairer because interest charges are calculated daily.

Proposed administrative penalties, too, compare favourably with current arrangements which provide for the imposition of different penalties, in some cases of up to 200%, in different circumstances. The Bill provides for a penalty only in specified circumstances where tax liability has been understated or where the Commissioner makes a default assessment because of a failure to comply with tax obligations. Penalty may be remitted at the Commissioner's discretion, to ensure that individual and tax specific circumstances may be taken into account in determining the appropriate level of interest or penalty. Even in circumstances where a premium is applied to a penalty, for hindering or obstructing the Commissioner, for example, the total penalty is still less than may be applied under the current provisions of the Stamp Act 1894.

Finally, the Bill looks to the future and provides capability to meet the challenges ahead, particularly to take advantage of modern technology. To this end, the Bill's robust self-assessment regime provides all taxpayers with the same rights regardless of how their liability is determined, whether by Commissioner assessment or otherwise, and regardless of how they interact with the Office, whether by remote access technologies or otherwise. Taxpayers and Government alike will benefit from the flexibility this streamlined process offers.

Mr Speaker, in summary, the Taxation Administration Bill 2001 adopts a consistent approach to standard features of tax administration, facilitating self-assessment and the use of electronic business options across all tax streams. The adoption of a consistent, integrated approach is expected to deliver significant benefits to both taxpayers and Government by providing a basis for ongoing improvements in tax administration, as well as clear guidelines for taxpayers in meeting their obligations.

The positive response received during public consultation has demonstrated the success of this innovative approach and confirmed this is a needed initiative that will deliver tangible benefits to Queensland taxpayers and their advisors.

I commend the Bill to the House.

Debate, on motion of Mr Horan, adjourned.

DUTIES BILL

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.34 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act about creating and imposing duties.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Mackenroth, read a first time.

Second Reading

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.34 a.m.): I move—

That the bill be now read a second time.

The Duties Bill 2001 is a rewrite of the Stamp Act 1894. Together with the Taxation Administration Bill 2001, which modernises and implements a consistent framework for tax administration, the Duties Bill 2001 forms a legislative package that provides immediate benefits to Queensland taxpayers in the form of certainty and simplicity, as well as reduced compliance costs.

Taxes are, of course, vital to government to provide services to the community. But governments and taxpayers are now far more demanding in the design of their taxes.

The impact of taxes on the flow of investment in the state and the costs of compliance with taxes are now issues which have to be successfully addressed.

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

Leave granted.

Stamp duty is the oldest of Queensland's taxes. It is the cornerstone of Queensland's taxation system and represents around one third of all taxation revenue collected.

Due to its age and the need to adjust the duties to enable them to operate in today's commercial environment, the Stamp Act is in need of modernisation.

The legislation has not been easy to reform. Partly, this is because the Stamp Act contains not one but several taxes, partly because the legislation has been layered by a succession of amendments, some designed for anti-avoidance, others to introduce amendments to its operation.

The rewrite of the Stamp Act has been sought by business for many years. It has been long recognised that the legislation does not meet business and community expectations and is a hindrance to efficient administration of the revenue.

A particular criticism of the legislation is that the lack of certainty in the application of the provisions to particular transactions has led to increased compliance costs for taxpayers.

Having regard to the difficulties of modernising the Stamp Act, the Government determined that it would set principles on which the rewrite would be based. These would prioritise the Government's policy and establish the basis on which the rewrite would be undertaken. These principles are:

- harmonisation with other jurisdictions' legislation, wherever possible, to facilitate interstate transactions;
- modernisation to reflect current business practices and technological change;
- minimisation of compliance and administration costs;
- extension of self assessment by taxpayers;
- simplification of the provisions by restructuring and use of plain language; and
- retention of Queensland's revenue base.

The Bill will improve the certainty and simplicity of the tax and ensure it works in an efficient manner upon the transactions it affects.

In this way, it will be of great benefit to both the State and the taxpayer. There has been strong support from business for the efficiencies that the rewrite will bring to interstate and general commercial transactions.

The Duties Bill follows the framework that has been implemented in New South Wales, the Australian Capital Territory, Tasmania and Victoria. It has however, been modified to meet the Queensland revenue base. The intention has been to harmonise with other jurisdiction's legislation where possible, as opposed to the adoption of uniform provisions. This approach enables compliance costs to be reduced for national businesses and for the elimination of double duty. This has been of particular importance for mortgage duty, hire of goods duty and insurance duty.

The Bill provides greater certainty for taxpayers by having clear rules of liability. Transfer duty, in particular, benefits from a listing of dutiable transactions and items of dutiable property, including a list of business assets and rights that are dutiable either on grant or transfer.

This replaces the Stamp Act conveyance duty model which imposes duty variously on all instruments and some transactions that relate to the undefined 'property'. The adoption of a transactions basis for transfer duty is fundamental to meeting the principles for the rewrite and is necessary for harmonisation with the model adopted in other jurisdictions' rewritten duty legislation.

The Bill also introduces clear rules that apply to partnership transactions and which recognise the modern arrangements for large professional practices. Another significant improvement is the gathering together of the various heads of duty that can apply to trust transactions into a single coherent set of rules. The trust provisions also provide a legislative basis for long standing administrative practices relating to public unit trusts.

Landrich, credit business and credit card duties also benefit greatly from having a coherent structure and being rewritten in clearer, simpler language.

The development of the Duties Bill has been a major exercise. Whilst the Bill is essentially a rewrite of the Stamp Act, there have been some changes to ensure that the Bill achieves its objectives of increasing taxpayer certainty, reducing compliance and administration costs and harmonisation with other jurisdictions' rewritten duty legislation. The major changes are:

- Adoption of harmonised provisions for hire duty and insurance duty to minimise compliance costs for businesses operating nationally.
- Adoption of the multi-jurisdictional model for mortgage duty which will eliminate instances of double duty for advances secured by mortgages over property located in more than one jurisdiction and substantially reduce compliance costs.
- Reduction in the range of instruments liable to mortgage duty to provide greater harmonisation with the approach in other jurisdictions.
- Relaxation of the eligibility criteria for the transfer duty corporate reconstruction exemption to allow the provisions to apply to a broader range of transactions.
- Relaxation of the criteria for the transfer duty principal residence concession so that the provisions more accurately reflect the policy underlying the concession of supporting home ownership affordability for Queenslanders.
- Limitation of corporate trustee duty to discretionary trusts.
- Improvements in the arrangements for lease duty by the removal of liability for deemed terms and the provision of refunds and credits for certain early terminations of leases.

Overall, the Bill provides many benefits for taxpayers. These include simplified drafting and restructuring of the design of the legislation, increased certainty through the adoption of clear statements of liability and concessions.

There has been a significant public consultation process undertaken for the Duties Bill 2001. Preliminary informal consultation with industry and professional bodies commenced in 1999. A first consultation draft Bill was released at a public seminar on 9 November 2000. As part of the consultation process, a series of seven public seminars was held in mid-November in Cairns, Townsville, Mackay, Rockhampton, the Sunshine Coast, the Gold Coast and Toowoomba.

Forty-two public submissions were received on the first consultation draft. Submissions were received from all major industry and professional groups. A second consultation draft, which incorporated many changes made in response to the public submissions, was released in June 2001. A further 19 submissions were received on this second draft.

Some of the Queensland professional organisations requested a further consultation period as the second consultation had been held over the end of financial year period. Although there had been extensive consultation since 9 November 2000, I agreed to their request. With the exception of one issue, which breached a fundamental legislative principle and which therefore could not be agreed to, no new policy issues were raised during this third consultation. However, a number of drafting issues were identified and some minor adjustments were made to the Bill. The Government is therefore able to proceed with the Bill having fully considered or dealt with issues raised by the professional organisations.

The Government is already receiving requests for commencement of the Duties Bill. No doubt this is due to businesses and individuals wishing to take advantage of the improvements in the legislation. However, the Government also recognises that it will take time for taxpayers to come to grips with the legislation and administration changes which will accompany it, as well as to make changes to computer systems. It is therefore the Government's intention that the Bill commence operation from 1 March 2002.

During this period prior to commencement it is anticipated that the Bill will come under close scrutiny as taxpayers and their agents focus on the practical operation of the new provisions. In order to facilitate the smooth introduction of the Bill, the Office of State Revenue will conduct client education seminars and will put in place a process for assisting in the interpretation of the Bill through the well established system of revenue rulings and practice directions.

Mr Speaker, although the Duties Bill is intended to be revenue neutral it will, on its commencement, result in a revenue reduction estimated to cost $14.5 million. Some $13 million of this will result from the simplification of mortgage duty. This revenue reduction, together with reduced compliance costs for taxpayers means considerable savings for taxpayers will result from the Duties Bill.

The Bill also allows for the introduction of efficiencies, pending any action under the Intergovernmental Agreement on the Reform of Commonwealth State Financial Arrangements, which provides for a Ministerial Council review of specified non-residential stamp duties by 2005.

I commend the Bill to the House.

Debate, on motion of Mr Horan, adjourned.

MOTOR ACCIDENT INSURANCE AMENDMENT BILL

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.36 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Motor Accident Insurance Act 1994.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Mackenroth, read a first time.

Second Reading

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.37 a.m.): I move—

That the bill be now read a second time.

HIH Insurance Group, Australia's largest general insurer, went into provisional liquidation on the application of the company directors on 15 March 2001 prior to having to announce an estimated $800 million interim loss. HIH Insurance, including 17 controlled entities, was declared insolvent and ordered to be wound up on 27 August 2001.

FAI General Insurance Company Limited and CIC Insurance Limited were part of the HIH Insurance Group and previously held licences to underwrite compulsory third party in Queensland. FAI General Insurance Company Limited, a subsidiary of HIH since January 1999, had 23 per cent of the Queensland compulsory third party market. From 1 January 2001 under a joint venture agreement, all current CTP polices with FAI General Insurance Company Limited were transferred to a new licensed CTP insurer, FAI Allianz Limited, underwritten by Allianz Australia Insurance Limited. Those policies are unaffected by HIH's insolvency.

However, claims against FAI General Insurance Company Limited CTP policies that had expired on or before 31 December 2000, have become the responsibility of the Nominal Defendant, as well as the few remaining outstanding claims against CIC Insurance Limited CTP policies. CIC was a CTP insurer in Queensland until 1996.

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

Leave granted.

Given the compulsory nature of the CTP insurance product, the Motor Accident Insurance Act 1994 provides a Government guarantee of continuing indemnity through the Nominal Defendant if an insurer becomes insolvent. As such, all Queensland CTP policies are secure irrespective of the renewal date. Without such backing through the Nominal Defendant, owners and drivers of motor vehicles who previously had their liabilities protected with FAI and had personal injury claims against them, would have been left personally liable for the financial consequences of damages awarded against them, and there would have been a strong possibility that the injured person would not have received their rightful compensation.

The estimate of outstanding claim payments on expired policies written by FAI Insurance at the time they went into provisional liquidation was around $403M less the eventual dividend to be received from the liquidator. The extent to which the insolvency dividend from the liquidator will be able to meet the Queensland CTP obligations cannot be reliably ascertained at this point in time.

Mr Speaker, as the Nominal Defendant, and therefore the State Government, is now required to meet the outstanding CTP claims that would have otherwise been liabilities of FAI General Insurance Company Limited, additional pressure has been placed on the Nominal Defendant Fund. Although the Nominal Defendant has some funds with which to meet the immediate FAI claim liabilities, the passage of the Bill is essential to the implementation of two elements of the Government's plan to fund the Nominal Defendant's outstanding claims liabilities arising from the HIH collapse.

The Government's plan involves the transfer of $57.818M from the Motor Accident Insurance Fund to the Nominal Defendant Fund and monetary advances to be made by the State Government to the Nominal Defendant Fund under a Deed of Indemnity.

The $57.818M to be transferred to the Nominal Defendant Fund represents an actuarially assessed Nominal Defendant surplus which, on the commencement of the Motor Accident Insurance Act 1994, was transferred to the Motor Accident Insurance Fund with the intention that the interest earned on the Fund would be used to finance the Commission's injury management and accident prevention initiatives. A condition of the transfer was that the Insurance Commissioner return the principal to the Nominal Defendant Fund should the Fund prove insufficient to meet the liabilities of the Nominal Defendant arising from claims under the Motor Vehicles Insurance Act 1936.

The use of the funds to satisfy liabilities arising from the insolvency of an insurer under the Motor Accident Insurance Act 1994 is not sanctioned by the current Act and this Bill amends the Motor Accident Insurance Act 1994 to allow the funds to be used for this purpose. Additionally, the Bill provides the Treasurer with discretionary powers to transfer funds recovered by the Nominal Defendant Fund to the Motor Accident Insurance Fund in circumstances, for example where a sizeable dividend was recovered from the liquidator.

The State Government by way of a Deed of Indemnity is also providing substantial additional funds under section 29(4) of the Motor Accident Insurance Act 1994 to assist the Nominal Defendant to meet its liabilities. These funds will be advanced to the Nominal Defendant Fund on terms the Government considers appropriate including a requirement for the repayment of principal advanced to the Trust Fund if circumstances permit.

Legal opinion suggested that in the absence of a specific provision in the Act, the intention that the terms of an advance could include the repayment of principal needs to be clarified. The Bill clarifies the intention that the Nominal Defendant Fund can make payments of principal on funds advanced by the Government and similarly the

Bill addresses the same situation should an advance be necessary in respect of the Motor Accident Insurance Fund.

In summary, Mr Speaker, the amendment Bill addresses two elements of the Government's plan to assist the Nominal Defendant to meet its CTP claims liabilities arising from the HIH insolvency. More importantly, passage of the Bill ensures that owners and drivers of motor vehicles formerly insured by FAI Insurance and CIC Insurance have their liabilities protected and that the rights of injured persons to receive compensation are preserved.

Mr Speaker, I commend the Bill to the house.

Debate, on motion of Mr Horan, adjourned.

GUARDIANSHIP AND ADMINISTRATION AND OTHER ACTS AMENDMENT BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.40 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Guardianship and Administration Act 2000, the Powers of Attorney Act 1998 and the Public Trustee Act 1978.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Welford, read a first time.

Second Reading

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.41 a.m.): I move—

That the bill be now read a second time.

The purpose of this bill is to overcome a possible consequence in the Guardianship and Administration Act 2000 that could bring unintentional distress to families of people with impaired capacity. This bill amends both the Guardianship and Administration Act 2000 and the Powers of Attorney Act 1998, and clarifies when a guardian or attorney can consent to life-sustaining measures being stopped or not being commenced. Life-sustaining measures refer to medical treatment such as artificial nutrition and hydration, cardiopulmonary resuscitation and assisted ventilation.

The Guardianship and Administration Act 2000 was groundbreaking legislation, providing the most vulnerable members of society with support in achieving autonomy in decision making and in their lives in general. The act created the Guardianship and Administration Tribunal, an important reform for adults with impaired capacity, their families and carers.

The tribunal offers an independent and user-friendly avenue for dealing with a range of relevant issues. The act also gave the tribunal the sole power to consent to special health care. This was consistent with the fact that the tribunal was given the jurisdiction exercised previously by the Supreme Court for many similar decisions.

Special health care matters referred to the tribunal include consent to live organ donation, sterilisation, termination of pregnancy, participation in special medical research or experimental health care. The tribunal's exclusive jurisdiction to deal with these decisions is unaffected by the amending bill. The act also defined the withdrawal or withholding of special life-sustaining measures for people with impaired capacity as 'special health care'.

As a result of this definition, concern has been expressed that the Guardianship and Administration Act 2000 might be construed as requiring all decisions to stop life-sustaining measures to be made by the tribunal, where there was no advance health directive. In Queensland, health providers have never routinely sought the consent of the Supreme Court to stop or withhold futile life-sustaining measures. Decisions of this nature are routinely made in consultation with the family and acting in accordance with good medical practice.

Decisions to withhold or withdraw life-sustaining measures are of a different character to the other special health care decisions made by the tribunal. In the absence of specialist medical evidence to the contrary, it would be virtually impossible for the tribunal to reach a different view to that of the health providers and the guardian or attorney about the withholding or withdrawal of life-sustaining measures.

This bill clarifies when a guardian or attorney can consent to the life-sustaining measures being stopped or not being commenced. It amends the schedules of the Guardianship and Administration Act to define the withholding or withdrawing of life-sustaining measures as health care rather than special health care. The equivalent provisions of the Powers of Attorney Act are amended to ensure the two acts continue to be complementary.

The effect of this amendment is that the tribunal does not have to consent to all cases of withholding or withdrawing of life-sustaining measures. If a person does not have a guardian or a health attorney appointed after the bill becomes law, a statutory health attorney may make the decision. The term 'statutory health attorney' is defined in the Powers of Attorney Act and includes people who would generally be regarded as the next of kin. The Adult Guardian is also the statutory health attorney for anyone who does not have another person who can act as a decision maker.

The decision to withhold or withdraw life-sustaining measures affects the lives of the most vulnerable people in our community. For this reason the bill contains special procedures for when life-sustaining measures may be stopped or not commenced. The amending bill essentially reflects what all Queenslanders would expect to occur at the end of their life. That is, where the health provider considers that commencing or carrying on life-sustaining measures is inconsistent with good medical practice those measures may be stopped if a guardian or attorney has consented.

This bill allows for family based decision making so that instead of forcing family members to go to the tribunal to get consent for a decision that they and the adult's doctors have made, the family can consent to the doctor ceasing life-sustaining measures.

This bill also provides safe and transparent decision-making practices for those people with a disability, by ensuring a person independent of the health provider must be consulted, except in an emergency, when end-of-life decisions are made.

This bill is also concerned with ensuring that the accepted practices of the medical profession developed over a very long time, reflective of the highest ethical principles, are set out in the legislative scheme that protects the most vulnerable in our society. There are a series of common law decisions where the courts have stated plainly that a doctor commits no criminal offence when futile treatments, interfering with the dying process, are stopped. These legal decisions also reflect established theological and ethical teachings on these issues.

The bill also ensures that a health provider may act in an emergency to stop or not commence life-sustaining measures. Again, there is a requirement that the acts of the health provider be in accordance with good medical practice. The acute emergency provision will only apply to the life-sustaining measures of cardiopulmonary resuscitation or assisted ventilation. The acute emergency provision will ensure that adults with impaired capacity do not have to be subjected to invasive or unnecessary treatments when good medical practice demands that such treatment should cease immediately.

Recognising that people can differ about end-of-life decisions, the bill also provides for mechanisms to resolve disputes about the decisions to be taken. If there is a dispute between family members about what decision should be made, a health provider can refer the family to the Adult Guardian. The Adult Guardian can mediate between family members, take on the decision-making role, or seek instructions or help with his decision from the tribunal.

Any family member, or other interested person, can also make application to the tribunal for orders or directions. The bill expressly preserves to the tribunal the continuing power to consent to the withholding and withdrawing of life-sustaining measures.

Nothing in this bill will interfere with the inherent jurisdiction of the Supreme Court to make decisions and protect people who have impaired capacity. The bill provides that both the consent of the Adult Guardian and the tribunal, like the consent of guardians or attorneys, is only operative when the health provider reasonably considers that the commencing or carrying on of life-sustaining measures is inconsistent with good medical practice. The bill will require that all decisions be properly documented by the health provider in the patient's records. It also provides retrospective protection from liability under the Guardianship and Administration Act for health providers who have, in accordance with good medical practice, not commenced or stopped life-sustaining measures without reference to the tribunal in the past.

Good medical practice is defined in the bill to refer to the recognised medical standards, practices and procedures of the medical profession in Australia and also to the recognised ethical standards of the medical profession in this country.

Finally, the bill makes it clear that the 'health care principle' that sets out how the tribunal, guardian or attorney should make decisions for an adult with impaired capacity applies to all decisions that are made, including special health care decisions. The bill amends the health care principle to ensure that the exercise of a power is necessary and appropriate to maintain or promote the adult's health or wellbeing or is, in all the circumstances, in the adult's best interests. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

FREEDOM OF INFORMATION AMENDMENT BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.50 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Freedom of Information Act 1992.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Welford, read a first time.

Second Reading

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.50 a.m.): I move—

That the bill be now read a second time.

The Freedom of Information Amendment Bill 2001 contains amendments to improve the operation and administration of the Freedom of Information Act. The bill will enable a system to be implemented for the recovery of some of the expense to taxpayers of FOI administration. It introduces processing charges for non-personal affairs applications, bringing Queensland into line with all other Australian jurisdictions.

However, there will be no change for individuals who want to obtain access to information about their own personal affairs. This will continue to be available at no cost. I emphasise at the outset that, contrary to the false impression created by certain media commentary and reporting, nothing in this bill in any way affects the existing legal rights to access government documents. All categories of documents previously lawfully available will continue to be accessible.

The Goss Labor government enacted the Freedom of Information Act in 1992. It followed recommendations made by the Electoral and Administrative Review Commission and the Parliamentary Electoral and Administrative Review Committee and was based largely on the Commonwealth FOI legislation at that time. Its objective was to extend as far as possible the right of the community to have access to information held by the Queensland government.

Since its introduction, the FOI act has brought benefits to many sections of the Queensland community. However, in recent years, Queensland taxpayers have been subsidising the provision of access to non-personal affairs information at a massively escalating cost. That cost has grown from less than $1 million in 1993 to more than $7.7 million last financial year.

The current charging regime creates a perverse incentive for people to make large-scale and voluminous applications or embark on commercial research or fishing expeditions at unjustified public expense. In most cases these applications have come from well resourced applicants who would have no difficulty in meeting the reasonable costs of engaging public agencies to search and collate information for them.

This Freedom of Information Amendment Bill contains amendments in relation to FOI fees and charges, consistent with the relevant provisions of the Commonwealth Freedom of Information Act. The changes to the FOI charges regime facilitated by this bill will be implemented by amendments to an FOI regulation. The production of processing charges will require applicants to reconsider wide and all embracing applications because fees will reflect the workload required to process the application.

At present there is no incentive for applicants to confine their applications to the documents they actually require. As a result, some applicants have not even bothered to collect the documents or pay the costs incurred. This bill will enable a regulation to be made requiring applicants to pay a deposit. Agencies can begin to process an FOI application with the knowledge

that applicants have made at least an initial payment, thereby signalling an intention to proceed with the application genuinely.

FOI applications which seek access to voluminous quantities of documents have also caused serious problems for the administration of freedom of information since its inception. The act is being amended to allow an agency greater scope to refuse to deal with applications which substantially or unreasonably divert the resources of an agency from its other responsibilities. This was the intention of the original provisions. These amendments are consistent with 1991 amendments to the Commonwealth FOI act, enacted as a result of recommendations made by the Senate Standing Committee on Legal and Constitutional Affairs, which reported in December 1987. The bill replaces section 28 of the FOI act, with provisions modelled on the Commonwealth legislation for this purpose.

Currently the considerations that an agency can have regard to before refusing to deal with an application on this ground are the number and volume of the documents and any difficulty that would exist in identifying, locating or collating the documents within the filing system of the agency. This bill clarifies the range of factors that an agency may have regard to in making a decision to refuse to deal with a voluminous FOI application. At the same time, however, the bill strengthens provisions requiring agencies to consult with applicants before refusing applications on workload grounds. The bill places the onus on agencies to give applicants practical help to focus more precisely the ambit of their applications to enable the application to be responded to in a more timely, efficient and effective manner. Such a decision cannot be made unless an applicant is given the opportunity to resubmit their application in a form that will remove any grounds for refusal.

Applicants and agencies will also be able to negotiate time frames within which the agency must decide the application or provide the information so as to minimise or limit the applicant's exposure to search costs. There is a right of appeal to the Information Commissioner from decisions about the imposition of charges and decisions to refuse to deal with an application on the ground that it will substantially or unreasonably divert the resources of an agency. The full range of rights of appeal to the Information Commissioner are therefore maintained.

Importantly, the bill allows for charges to be waived where the applicant is experiencing financial hardship. I believe this bill is a fair and just bill, reflecting the priorities of government and the Queensland community. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

COASTAL PROTECTION AND MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (11.56 a.m.): I seek leave to move a motion without notice.

Mr DEPUTY SPEAKER (Mr Mickel): Order! Is leave granted? Is leave granted?

Government members: Aye!

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (11.56 a.m.): That is good because we have been waiting 10 years to get this bill into the House. I move—

That leave be granted to bring in a bill for an act to amend legislation about coastal management, and for other purposes.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Wells, read a first time.

Second Reading

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (11.56 a.m.): I move—

That the bill be now read a second time.

Our coast is a Queensland icon. It underpins our lifestyle and our tourism industry. All members of this House have a deep commitment to securing for their constituents and especially their constituents' children access to our great Queensland beaches. Nearly every Queenslander has holidayed 'at the coast' and an increasing number are moving to live 'at the coast'. This is why we

need to manage this valuable asset carefully. That is why this bill is before the House, bringing to completion work that began 10 years ago.

We have reached a major milestone in our government's commitment to protect and manage Queensland's sensitive coastal areas. With the finalisation of the State Coastal Management Plan—Queensland's coastal policy—our government is delivering Queensland's first comprehensive planning tool for coastal management. It provides government with the tools necessary to ensure that our children and our children's children will always be able to go to the beach. It gives government the tools to ensure that when they get to their favourite public beach there will still be a beach there and they will still own it.

The State Coastal Plan includes 48 policies that cover such issues as—

- water quality management;
- public access to the coast;
- appropriate siting for coastal development;
- rural land uses;
- management of cultural resources important to indigenous people;
- the values of our coastal landscape; and
- the need to conserve biodiversity.

All of these policies will contribute to the appropriate protection and management actions needed to safeguard the future of our coastal zone for all Queenslanders.

The State Coastal Plan is a document that draws on the experience and knowledge of industry groups, environmental groups, indigenous traditional owners, agricultural groups, local government, community and other state agencies. That plan is embraced by the bill. By working together with so many different groups, we have delivered a policy document that accounts for the competing demands on our coastal resources. In preparing Queensland's first State Coastal Plan, the government has set in motion a cycle of improvement and innovation in the way we plan and manage our coastal areas for the future.

This bill builds on the act passed by this House in 1995 initiated by the then Labor government, and I am proud to be introducing it to the House today. I acknowledge the work of many of my predecessors in bringing this bill to the House. I acknowledge Minister Comben, Minister Robson, Minister Barton, Minister Littleproud and the current Attorney-General and former Environment Minister, Rod Welford. The Coastal Protection and Management and Other Legislation Bill 2001 proposes changes to the Coastal Protection and Management Act 1995 and the Integrated Planning Act 1997. The changes are to incorporate the existing provisions relating to the development assessment under the Harbours Act 1955, the Canals Act 1958 and the Beach Protection Act 1968 into the Integrated Development Assessment System, known as IDAS. I seek leave to incorporate the rest of my speech.

Leave granted.

As the former Minister for Local Government and Planning, my colleague the Hon. Terry Mackenroth, has previously explained on a number of occasions to the members of this House, the Integrated Planning Act 1997 has at its core an integrated development assessment system known as IDAS. When fully implemented, IDAS will be a single system for the administration of all development related assessment in Queensland. The achievement of this single system involves the consequential amendment of a substantial number of acts and regulations to integrate about 60 separate approval processes into this single system.

Mr Speaker, this all about streamlining processes. Since the Integrated Planning Act 1997 commenced in March 1998, the development assessment regimes in the Building Act 1975, the Environmental Protection Act 1994, and elements of the Transport Infrastructure Act 1994 and Water Resources Act 1989 have commenced operation within IDAS.

The proposed amendments to the Coastal Protection and Management Act 1995 represent the next major step in the consequential amendment process. The Coastal Protection and Management Act 1995 was passed in 1995 as Queensland's first comprehensive legislation for protecting and managing the coast. An act that Queensland can be proud of. The act provides for the preparation of coastal management plans, the establishment of the Coastal Protection Advisory Council and regional consultative groups, and the establishment of control districts along the coast.

Mr Speaker, the State Coastal Plan has recently been released, work is well under way on regional plans, the Coastal Protection Advisory Council has been meeting regularly and providing valuable advice to Government. As usual, Labor is getting on with the job and this bill adds to that. When the act was passed in 1995, it did not contain any development assessment provisions as the IDAS initiative was being developed. However, the second reading speech for the Coastal Protection and Management Bill 1995 made by my colleague the Hon. Tom Barton when he was the Minister for Environment foreshadowed future amendments to integrate and coordinate coastal

development assessment once IDAS had been finalised. Now that the IDAS provisions are available in the Integrated Planning Act 1997, this consolidation of coastal development assessment functions foreshadowed by the original Coastal Protection and Management Bill can now take place.

Mr Speaker, the bill I am bringing forward today seeks to achieve this long sought integration. Coupled with the Government's recently released State Coastal Management Plan, Queensland will have in place the tools to ensure that our wonderful coastal zone can be effectively and sustainably managed. It will mean that Australia's second longest coastline that is so integral to Queensland will be managed in a coordinated way for the first time.

The proposed Bill removes the development approval processes from the Harbours Act 1955, the Canals Act 1958 and the Beach Protection Act 1968 as development assessment will operate through IDAS under the Integrated Planning Act 1997. It is intended that upon commencement of the bill, these three coastal statutes will be repealed. The Harbours Act 1955 is an act primarily for the approval of works in tidal waters such as jetties, pontoons, and boat ramps, for the approval of dredging in tidal waters (as provided in the marine land dredging by-law) and for the approval of reclamation of land from tidal water. The bulk of the Harbours Act 1955 was repealed in 1994—these three approval requirements are the only remaining provisions saved under the Transport Infrastructure Act 1994.

Mr Speaker, the Canals Act 1958 is an act for the approval of residential canal developments. The act provides for a two stage approval process for canals involving a provisional approval and final approval. The act provides for the surrender of completed canals to the state as public waterways once the canal has been certified to be compliant with construction parameters and conditions set out in the final approval. The Canals Act 1958 also provides that local government is responsible for long term maintenance of canals.

The Beach Protection Act 1968 provides development control powers for the Beach Protection Authority that is constituted under the act. The authority's consent or views must be sought in relation to development in erosion prone areas and coastal management control districts situated along the Queensland coast. Development activities that require the consent or views of the authority in these areas include subdivisions, material changes of the use of premises, earth works, drainage works and building works.

As a result of the repeal of the three statutes, existing requirements to make application to carry out development separately under each piece of coastal legislation will be replaced by the single IDAS application and approval process.

Mr Speaker, other advantages of the single integrated system will be explicit time frames for completion of an assessment, better integration with local government decision making and the provision of rights to appeal development decisions to the Planning and Environment Court.

The repeal of the three statutes also provides for the more comprehensive Coastal Protection and Management Act 1995 to serve as the primary legislation in deciding and conditioning coastal development applications. The Environmental Protection Agency which is responsible for administering the Coastal Protection and Management Act 1995 will need to refer to the broad objects and provisions of the Act when acting as the assessment manager or a referral agency under IDAS for coastal development assessment. This will allow a more comprehensive and coordinated assessment of the development.

Provisions in the bill provide for more contemporary assessment criteria and conditioning powers relating to coastal management. Coastal management plans prepared under the Coastal Protection and Management Act 1995 such as the recently released State Coastal Management Plan, as well as the regional coastal management plans currently under preparation also will become key considerations in development decision-making under the act.

The approval provisions of the bill consolidate and simplify the existing approval regime by linking development control powers to coastal management districts. Coastal management districts overlay and replace the erosion prone areas and coastal management control districts declared under the Beach Protection Act 1968.

Coastal management districts include all tidal waters of the state to the seaward limit of Queensland's waters. Coastal management districts may be amended or replaced by regulation under the Coastal Protection and Management Act 1995. Existing coastal management districts are being reviewed as part of the regional coastal planning processes. Five regional coastal management plans are currently being prepared.

The bill provides for the continuation of the land surrender provisions from the Beach Protection Act 1968 into the Coastal Protection and Management Act 1995 in relation to subdivision of land on the coast.

Mr Speaker, these provisions will enable the Governor in Council to require surrender of land to the state of land within an erosion prone area without compensation. This power has existed in the Beach Protection Act 1968 since 1984 and is fundamental to achieving sustainable management of our coastal lands. The land surrender condition is consistent with the Government's policy of maintaining public access to the coast. Mr Speaker, Queenslanders rightly expect Governments to protect their rights and Labor is delivering yet again by ensuring public access to the coast.

This bill will also protect coastal land vulnerable to coastal and tidal erosion. It is fundamental that this vulnerable coastal land is kept undeveloped and in public ownership in order to prevent the proliferation of costly coastal protection works such as rock walls and groynes which can detrimentally affect our beaches and foreshores.

The bill will continue the permitting arrangements for removing dredge material from tidal waters currently administered under the Harbours Act 1955 through the marine land dredging by-law 1987. The approval processes in the by-law have been transferred into a new part of the bill dealing with the allocation of quarry material. The approach in the bill is consistent with the approach to quarrying material from freshwater watercourses and lakes under the Water Act 2000 passed last year.

Thus, the bill will provide a seamless and consistent regulatory system for extraction of quarry material across the tidal interface between the coastal and water legislation. Another indication of Labor in government providing a simpler and fairer climate to do business in.

Mr Speaker, the resource allocation process proposed under the bill is a broader assessment of the coastal management implications of removing quarry material from land under tidal water compared to current

assessments under the marine land dredging by-law. However, an allocation granted under the new process provides greater certainty to dredge operators by having up to a six year currency period rather than the current two years stipulated under the by-law. In addition, allocations given to an operator may be transferred or renewed.

The bill provides an alternative approval process for removing dredge material and the placement of dredge spoil through a new instrument called a dredge management plan. Dredge management plans are voluntary instruments that promote a more strategic and long term approach to managing dredging and the placement of dredge spoil. The holder of an approved dredge management plan is not required to obtain a resource allocation under the bill. In addition, to the extent that there are activities under the approved plan that require development approval under the Integrated Planning Act 1997, these development requirements may also be waived. This is aimed at getting good environmental outcomes whilst also reducing red tape.

Mr Speaker, another example of a can-do government streamlining procedures for business while protecting the environment. The bill provides offence provisions for removing quarry material from land under tidal water without an allocation or an approved dredge management plan. It is not an offence to remove material in emergency situations that endanger the life or health of a person or involve a serious threat to the environment.

The bill provides for a range of additional amendments to the Coastal Protection and Management Act 1995 and Local Government Act 1993 to accommodate the transfer of remaining provisions not related to development approval processes from the Harbours Act 1955, the Canals Act 1958 and the Beach Protection Act 1968.

Mr Speaker, these amendments are necessary in order for these three statutes to be repealed. These additional provisions include for example, retention of the declaration and amendment of erosion prone area plans from the Beach Protection Act 1968, provisions that allow local government to regulate the use and presence of vessels and structures in canals by local law, procedures for the approval and certification of subdivisions incorporating artificial waterways from the Canals Act 1958 and provisions about the use and occupation of approved structures in tidal waters from the Harbours Act 1955.

The bill contains a range of savings and transitional provisions to ensure that existing lawful approvals, sanctions and other authorities granted under the repealed legislation are recognised and saved as development approvals under the new system.

Mr Speaker, under these transitional provisions, the bill dissolves the Beach Protection Authority. As I mentioned previously, the assessment of development in coastal management districts under the Coastal Protection and Management Act 1995 will be a broader assessment of coastal management matters compared to assessments currently undertaken under the Beach Protection Act 1968 by the Beach Protection Authority.

Mr Speaker, I wish to put on record my appreciation of the valuable work carried out by the Beach Protection Authority and its members over the past thirty years in Queensland they have played a valuable role in protecting our coastline. These amendments to the Coastal Protection and Management Act 1995 will enhance the work that the Authority has done. The Coastal Protection and Management Act 1995 established a Coastal Protection Advisory Council (CPAC) to promote the objectives of the Act and to advise me on coastal management issues. The current council has a wide representation of skills and abilities and I look forward to working with CPAC to advance coastal management in Queensland and to build on the fine work that the Beach Protection Authority has achieved.

In addition to the bill, amendments will also need to be made to the Integrated Planning Regulation once this bill is passed to specify the types of development which will 'trigger' referral of development applications to the Environmental Protection Agency. The amendments to the regulation are integral to the operation of the bill for the Environmental Protection Agency to have concurrence agency status under IDAS.

The Integrated Planning Regulation will also establish referral arrangements for the Department of Transport through the harbour master and for Queensland port authorities in relation to works in tidal waters. This is to reflect the current roles these two entities play in the assessment of harbour works under section 86 of the Harbours Act 1955.

A new consolidated regulation will also be prepared under the Coastal Protection and Management Act 1995 to replace the six pieces of subordinate legislation under the Harbours Act 1955, the Canals Act 1958 and the Beach Protection Act 1968. This regulation will primarily deal with application and assessment fees in connection with the new integrated development assessment system.

Mr Speaker, this will be a further example of how, by integrating processes into the Integrated Planning Act 1997, the Government is reducing the burden of red tape.

In keeping with the consultative and inclusive way this Government operates, the bill has been drafted in the light of feedback received from key stakeholders, including the Local Government Association of Queensland, the Urban Development Institute of Australia, the Environmental Defenders Office and the Queensland Environmental Law Association, as well as key State Agencies.

Mr Speaker, I commend this Bill to the House.

Debate, on motion of Mr Rowell, adjourned.

ANIMAL CARE AND PROTECTION BILL

Second Reading

Resumed from 16 October (see p. 2866).

Mr LIVINGSTONE (Ipswich West—ALP) (12.00 p.m.): I rise in support of the Animal Care and Protection Bill 2001. Firstly, I congratulate the minister, his staff and all those people in the department who have worked so hard to bring this bill before the House. This bill is a very carefully researched and responsible document and has been prepared over a number of years in

collaboration with knowledgeable animal welfare and user groups. It is designed to replace the now redundant Animal Protection Act 1925.

Recently, there was an occurrence in my electorate when the people next door to a certain property rang the appropriate authorities because they had great concerns about the animals on that property. One dog had been locked in a garage for weeks and another dog was on a chain tied to the side of the house. The people who rented this house were obviously dodging the owner because they had not paid the rent. As a result, they would arrive at the house at about 2 or 3 o'clock in the morning, stay for five minutes and then shoot through. This went on for weeks. Unfortunately, the RSPCA had great difficulty in managing to do anything about this. However, had this bill been enacted, its duty of care provisions would have enabled the RSPCA to take action.

The Animal Protection Act 1925 was created in its time as an innovative piece of legislation designed to protect animals from cruelty and provided the means to intervene and prosecute those persons guilty of the cruel treatment of animals. It acknowledged that cruelty to animals was unacceptable to the community, but it did not provide protection for animals as it could only prosecute after the event had taken place. Although it empowered the RSPCA to take action against offenders, the penalty levels imposed have been found to be inadequate in providing effective punishment or in proving to be a suitable deterrent to others.

There was also the unsatisfactory situation of the RSPCA, a non-government organisation, enforcing government legislation without the accountability checks that are required of government officers. While the minister is responsible for the administration of the act and is accountable to parliament, the RSPCA is not bound to be accountable, nor are there any safeguards over the use of its powers. Since those early years of the 1900s, attitudes and practices have changed dramatically with regard to the treatment and care of animals, and the introduction of the Animal Care and Protection Bill 2001 is long overdue. It has been acknowledged for some time that the existing legislation is inadequate. Society's changing attitudes towards the protection of animals and animal welfare need to be reflected in appropriate legislation. The Animal Care and Protection Bill 2001 is the result of a more educated and knowledgeable approach to research into the welfare needs of animals in a society where it is recognised that good animal welfare is more than just the prevention of cruelty.

Animals today touch on every member of the community to an extent that is not always realised by the community in general. Most people have pets for either companionship or security. Some have working animals such as horses and dogs. Many others enjoy taking their children to the zoo, rodeo or circus. These animals and those involved in the meat and dairy industry, in scientific testing for the improvement of human life and in the retail industry are entitled to the same protection to ensure proper care and attention and humane treatment. This increased involvement with animals has created other associated industries such as pet shops, pet and animal food manufacturing, grooming and health products, harness and equipment, et cetera. Consumers now expect that these products are the result of properly governed production systems based on accepted welfare principles. These industries need to be encouraged, but there is also a need for them to be regulated in order to strike an equitable balance between community and market concerns.

The Animal Care and Protection Bill 2001 recognises the need for responsible animal care and animal protection. Approved codes of practice that have been prepared in consultation with all interested parties, such as animal welfare groups, veterinarians and industry representatives, ensure that the community and industries which use animals will know exactly what is expected of them. Everyone in charge of animals will have a duty of care to properly provide for the welfare needs of their animals or will be obligated to face the consequences. These needs will be based on current scientific principles and will be determined according to the circumstances of the animals and their intended use. It will protect the animals as well as protect the interests of people whose livelihoods depend on an acceptable use of animals.

Ongoing negotiations between industry and government will determine welfare standards for those industries and ensure they are made compulsory. High penalties will be set for any infringement of the codes of conduct. For example, $75,000 or two years jail is the maximum penalty for individuals found responsible for cruelty to animals. This penalty is high enough to register even on big-business enterprises which might otherwise have been prepared to consider smaller fines as an acceptable business risk. The use of animals for scientific purposes will be very much under the microscope. This practice will be regulated in order to ensure that there is no

mistreatment of animals. Organisations and private individuals involved in scientific research will be subject to compulsory registration and compliance with the national code of practice.

Special monitoring programs will be in place to check on high-risk areas listed under the compulsory code of practice, such as circuses. Enforcement of the national code of practice will be undertaken by DPI stock inspectors and veterinary officers. The RSPCA will maintain its role in animal care and, in conjunction with the DPI, develop a memorandum of understanding that will identify responsibilities, provide ongoing support for the RSPCA and ensure the continuing safety of animals across the state. These responsibilities may be supported by inspectors from other agencies, and they must also meet the standards and criteria set by the Department of Primary Industries. Both the RSPCA and any other inspector who may be involved will have strict but reasonable accountability requirements and must also comply with strict but reasonable safeguards over the use of powers. These officers will be instructed and trained in all aspects of the bill in order to provide them with the necessary powers to assess and resolve difficult situations.

The bill also provides the opportunity for redress if any party accused of an offence feels they have been unfairly dealt with. As a result of the many animal welfare issues that are raised on a regular basis, an Animal Welfare Advisory Committee will be established. It is anticipated that this committee will provide fair and well-balanced advice on resolving contentious issues as efficiently as possible.

It should be clearly understood that this bill is about the welfare of and prevention of cruelty to animals. It has nothing to do with the control of animals—de-sexing, registration or complaints about barking dogs—which are the responsibility of local government.

In conclusion, this is a bill which has been researched and developed in every way, with the assistance of and information from animal welfare groups, in order to provide the most comprehensive and far-reaching legislation possible in preventing unacceptable treatment of animals and maintaining their ongoing safety and wellbeing. I commend the bill to the House.

Mr SEENEY (Callide—NPA) (12.10 p.m.): I appreciate the opportunity to make a contribution to the Animal Care and Protection Bill which, as the shadow minister has already outlined, the opposition will support. This is an important piece of legislation. The shadow minister and other members of the House who have already spoken to this bill have outlined the fact that this legislation has been a long time in its preparation. It is somewhat overdue.

I felt that I needed to make a contribution to this debate, given the rural and agricultural base of my electorate. Like most people who live in rural areas, I have spent my lifetime with animals—in a commercial situation and in a lot of other situations. I guess that illustrates the difficulty with a piece of legislation such as this. That is, animals are kept in a whole range of different situations and they mean a whole range of different things to a whole range of different Queenslanders.

In the extensive agricultural and pastoral areas of western and Central Queensland, animals are used very much in a commercial sense. Animals also participate in various sporting industries. In the very urban areas animals are companions and pets and they play a very different role in people's lives. That leads to some very different perceptions about animals and how they should be treated. To have one piece of legislation that tries to protect animals across that range of situations is fraught with difficulty because it is very hard to introduce one set of rules to cover every situation.

Unfortunately, I think the difficulty for legislators charged with that task has been made even greater in recent times. There has been a tendency to humanise animals, to project an almost human quality or persona onto animals. We have seen examples of this in a whole range of situations, not least of which are the television documentaries that deal with the warm and cuddly side of animals, particularly native animals. Those of us who know the truth of those situations know that that is a misrepresentation. Nature is very cruel and animals suffer in natural situations, sometimes to a far greater degree than anyone who has responsibility for animal husbandry would allow. Yet I think there is something of an unreal image being projected to too many of our young people. That unreal image creates an unreal expectation about how animals should be treated in particular situations.

The important part of this legislation is the codes of practice. This piece of legislation will be either workable or not depending on those codes of practice, which basically are the nuts and bolts of the legislation. I will refer to a number of issues with those codes of practice which I believe are particularly important.

I will be interested to hear from the minister during his speech in reply to the debate just how he envisages those codes of practice being drawn up in the first place. I hope that that process is well under way now. Also, I would like to know how those codes of practice will be subject to change. It is important that any change to those codes of practice be open to scrutiny and subject to verification by analysis, be it by an opportunity to move a disallowance motion here in the House or by some other mechanism. We need to ensure that those codes of practice cannot progressively change over time to create difficulties that this legislation was never intended to allow.

Importantly, the codes of practice have to be specific enough to avoid the difficulties associated with interpretation by individual officers charged with administration of the legislation. We have seen problems resulting from differing interpretations occur in relation to a number of pieces of legislation that have passed through this parliament in recent times. Most noteworthy amongst those would be the Vegetation Management Act. That legislation was passed through this House, but the department responsible—in that case it was the Department of Natural Resources—was completely unprepared to administer it. We saw enormous differences in the interpretation of the legislation on the ground in specific situations.

Making the transition from the theory of writing and debating legislation in this place to practical administration on the ground, where it affects people in their everyday lives, is incredibly important to making a particular piece of legislation work. In this case it will depend on how those codes of practice are interpreted by particular officers. It is very important that those who draw up the codes of practice are sufficiently cognisant of the possibility of differing interpretations depending on where that code of practice is being applied.

I spoke earlier about the huge differences in the situations in which animals are kept and in the expectations people have about what is appropriate for animals in particular situations. The worst case scenario would be a situation whereby what is right in an urban situation, whereby an animal is being kept as a pet and a companion, is somehow then considered to be appropriate for a completely different situation, whereby an animal is existing in an extensive pastoral situation. I will be interested to hear from the minister how the codes of practice will deal with that possibility. I will be interested also to read the codes of practice when they are made available.

The member who spoke before me referred to the fact that administration will be carried out by authorised officers. In fact, he mentioned DPI officers. The fact is that the number of DPI officers out on the ground in rural and regional Queensland has reduced so much in recent times that I am not sure there are enough people out there to adequately administer this type of legislation.

If we are to charge DPI officers with the responsibility of administering this legislation and with coming to terms with its complexity—and so we should; that is a genuine role for officers of the Department of Primary Industries—we have to get some officers in place. We have to put some officers back into the positions from which they have been taken away. I give a good example from my electorate.

There used to be a stock inspector in every town in the Burnett Valley—all the way from Gympie to Biloela—and those inspectors played an important role in a whole range of activities related to animal industries and the administration of particular regulations to do with animal industries. At the moment there is one stock inspector position in Mundubbera, and that position has been vacant for seven months. There are no stock inspectors left in any of those communities to do any of the work that is required to be done in terms of administration of animal industries, let alone to provide the type of extension, advice and support that DPI officers used to provide. I think it is incumbent on the minister to recognise that he cannot come into this House and suggest that we are going to pass a piece of legislation that will rely for its success on DPI officers who do not exist.

In every annual budget that we pass through this House, we cannot cut back the number of DPI staff out there on the ground. And that is what happens—even though the spin doctors talk endlessly about the figures and say that the total budget has not been cut, and they add six per cent here and juggle this and juggle that and make it seem as though the DPI budget is great and the minister is doing a hunky-dory job. But I invite members to go to places like Monto, where there used to be a considerable DPI presence—extension officers, soil conservation officers, dairy officers and stock inspectors. Do members know how many are left now? None! Absolutely zilch! And that is just one community in my electorate. If somebody in a community like that wants to access DPI officers to administer this piece of legislation, they have to go to Mundubbera, where the nearest stock inspector is. But when they get to Mundubbera they find that the position there

has been vacant for seven months. So then they have to go further afield to places such as Kingaroy or Rockhampton to try to access DPI staff to administer this particular piece of legislation.

The minister cannot have it both ways. He cannot say that the DPI officers are going to fulfil this role or any other particular role and then, year after year, continue to gut the DPI out there on the ground where this work has to be done. If this particular piece of legislation is going to have any credibility in terms of its actual implementation at that codes of practice level, then that issue must be addressed and addressed in a real sense, because it is a huge problem.

Another good example of that total lack of DPI staff has surfaced in recent weeks. I noted the minister's comments in this House during an earlier debate about the exceptional circumstances declarations for places like the Murilla shire and the Taroom shire, which is in my electorate. The same situation exists in all the Burnett shires. The exceptional circumstances declarations depend on the activities of the local drought committees to make recommendations to the minister. I do not think any of those local drought committees are working, simply because they were all chaired by a DPI officer. But there are no DPI officers there any more to chair them. There are no DPI officers there any more to ensure that those local drought committees work.

It is somewhat hypocritical of the minister to blame his federal counterpart for the fact that these exceptional circumstances declarations are not happening. I know that the process has not worked, just as the process will not work with this particular piece of legislation unless there are people there to make it work and to do the jobs that have to be done. In terms of the exceptional circumstances declarations, there is nobody in the field in a DPI role to make sure that those local drought committees work or to make sure that they meet. A lot of them have not met for years. Some of the people on those drought committees have retired and moved to the coast. In one or two cases, unfortunately, they have passed away, but they are still on the drought committees. This is a good example of how, unless there are people there to make these processes work, the whole thing becomes a joke.

Then we have the absolute stupidity of politics being played in the situations that exist in the Taroom, Murilla and Burnett shires in relation to exceptional circumstances declarations. The federal minister blames the state minister, and the state minister blames the federal minister. Meanwhile, out there in the field nothing is happening. The people continue to do without the assistance that they should be getting.

Mr Palaszczuk: That's my point.

Mr SEENEY: If that is the minister's point, he should put in place the processes to make the system work. He should put in place the processes to ensure that the drought committees work and that the recommendations come from the drought committees to him. Then he can make the recommendations to his federal counterpart and the assistance can begin to flow through to the people who need it. That is not happening at the moment because there are no DPI staff out there to do the job, just as there are no DPI staff out there to administer this particular piece of legislation. What the minister said in this House yesterday was understandable political rubbish. Any politician worth his salt can twist a situation around and blame somebody else, but the minister knows as well as I know—and as everyone out there knows—that in reality the system is not working because there are no DPI staff.

Budget after budget after budget since I have been in this place, the minister has come in here with fancy press releases and dodgy figures and made it sound great. But the DPI continues to be gutted. The DPI is an empty shell compared to what it was in the past. And in those communities that depend on the services of the DPI officers for the administration of legislation like this, the reality of the situation is not hard to see.

If I can return to the specifics of the legislation, there is one particular section of this legislation which causes me some concern. The shadow minister referred to this in his contribution to the debate. I refer to the exemption that is granted to the Aboriginal community to carry out practices that are considered to be part of their traditional culture. I have some concerns about that. I do not deny that there should be an avenue in this type of legislation to allow that to happen. But unless it is defined in some particular way, it can very easily become a blanket exemption. And there is no justification to exempt any group of people from the requirements to act appropriately and responsibly with respect to animals.

The shadow minister, the member for Hinchinbrook, raised the issue of whether or not a code of practice would be developed for Aboriginal cultural practices. For the sake of the record, I point out that the minister has indicated that that is not going to happen. So it raises the issue of

how Aboriginal cultural practices will be defined. How will they be defined? Will anything be possible or allowable if it is considered to be part of an Aboriginal culture? Will anything be possible or allowable if it was done before some time in history?

Our whole treatment of animals has evolved—and thank the lord it has evolved. The treatment of animals in European culture has evolved to be much more humane, caring and considerate. There is no way in the world that any member of this House would suggest that any Queenslander would treat animals in the way that they were treated 100, 200 or 500 years ago. That is the purpose of this type of legislation. But that same situation should apply to all Queenslanders. And it can quite easily apply to the Aboriginal population of Queensland without denying them the right to continue to practise their cultural norms. But we cannot have a situation in which the right to practise one's cultural norm represents a blanket exemption from legislation.

Mrs Lavarch: What about clause 45 and the religious practice exemptions?

Mr SEENEY: I will have to have a look at that, and we will deal with that at the committee stage. Is that the clause that deals with the exemptions for cultural practices?

Mrs Lavarch: It's a blanket exemption for religious practices, but the exemption for Aboriginal and Islander tradition and custom can be overridden by a regulation.

Mr SEENEY: Okay. I take the point that the honourable member makes about an exemption for religious practices. The same contention applies as the one that I am putting forward for Aboriginal culture. But let us wait until the committee stage of the bill, when we will debate whether or not those particular clauses—

Mrs Lavarch: Do you believe in the export of live animals?

Mr SEENEY: Absolutely. I believe that the export of live animals can be carried out in a humane and responsible way, and there should be a code of practice to define what we consider to be an appropriate way to treat animals during the live export process. That happens now. I know that animals involved in the live export trade actually gain weight in those situations. They are looked after to such an extent that they do better there than they do in the situations that they have come from. For an animal to gain weight and improve its condition, it has to be in a situation where most of its needs are met and it is quite comfortable. As I have only one minute left in which to speak, I look forward to discussing this matter during the committee stage.

I support this legislation. I recognise the necessity for it. I support what the minister said in his second reading speech about why this legislation is being introduced. However, I say to him again that, if it is going to work, it is critically important that he address these concerns about the code of practice.

Time expired.

Mr NEIL ROBERTS (Nudgee—ALP) (12.30 p.m.): Firstly, I congratulate the minister on the introduction of this legislation for the protection of animals, because it is a significant departure from the previously quite narrow approach to protecting animals under the current Animals Protection Act 1925. In common with many members, I have a particular interest in this animal welfare bill. As is the case with many households, mine is a household of two pets, consisting of Alice the black cat and Paddy the Maltese-Shih tzu cross. As a result I want to speak mainly about the impact that this new bill will have on the domestic animals in the state.

Mr Mickel: Tell us about horseracing again.

Mr NEIL ROBERTS: I might leave horseracing out of this debate today, because I have spoken about it in this place many times before. The member would be aware that I was a track work rider and treated horses very humanely during that period of working with them.

I think it is fair to say that a hallmark of a decent and civilised society is how we care for the most vulnerable in the community and, more particularly, those whose welfare and quality of life is almost totally dependent on our actions and goodwill. I think that this applies particularly in the case of animals in domestic and obviously commercial and rural situations.

This bill introduces a new approach to protecting animal welfare, and it is to be applauded. It focuses on a preventive and educative approach backed up by strong sanctions against those who inflict cruelty or breach their duties to properly look after the animals in their care. As a general rule, the old approach was based very much on identifying aspects of cruelty before prosecution could be progressed. The new legislation fosters a more proactive involvement of both the department and the RSPCA in encouraging and supporting better practices in the community and in industry for the treatment of animals. It does this in a number of ways but most

particularly by imposing a very specific duty of care on the animals that are being looked after by individuals or organisations. That duty of care is based on five principles, which were established by the United Kingdom Farm Animal Welfare Council in the 1980s, which were: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviour; and freedom from fear and distress.

Another significant change in the legislation is the ability of animal welfare inspectors to issue written animal welfare directions, which will go a long way towards improving the overall management of animals in both domestic and commercial situations. Most importantly, animal welfare inspectors will be able to act before acts of cruelty occur, which is a significant departure from the current act. As the old adage says, prevention is better than cure.

At this point I acknowledge the work that the RSPCA has undertaken over many, many years in looking after and pursuing the welfare of animals in the community. The RSPCA played a significant role under the current act and will continue to play a significant role under this new legislation. A significant improvement to the current situation is that, in addition to the RSPCA powers and inspectorate duties, the Department of Primary Industries will also be a key agency in enforcing the provisions of the act. That will provide an additional 120 people who will be available for inspectorate duties and enforcement throughout the state.

Two other initiatives in the bill include the establishment of codes of practice, which has been mentioned by a number of speakers, and also the establishment of an animal welfare advisory committee. The bill also proposes a significant enhancement to penalties and offences, and a number of new penalties have been introduced. The new provision of a breach of duty of care attracts a fine of up to $22,500 or one year in imprisonment, and the failure to comply with an animal welfare directive attracts a penalty of up to $7,500 or potentially one year in imprisonment. Additionally, penalties for existing offences have been beefed up considerably. The penalty for the cruelty offence has been increased from $1,500 and six months imprisonment to a potential penalty of $75,000 and two years imprisonment.

I want to recognise the role that local authorities play in improving the welfare of animals, particularly in domestic situations, and of the Brisbane City Council in cleaning up the streets over recent years. By strong enforcement and encouragement, we have almost rid ourselves, in the local suburbs in Brisbane at least, of the perennial problem of dogs roaming the streets and causing all sorts of difficulties, including health and environment problems in public places, safety problems on our roads, and also difficulties with savage dogs. In the past some quite horrific incidents have occurred. Unfortunately, some still occur when dogs get out or are released from their enclosures.

I want to also recognise the work that is going on in my own electorate, initiated largely by Councillor Kim Flesser, who is a good friend of mine and a very active councillor in my local area, in promoting good recreational outlets for dogs in the community, in particular the provision of off-leash dog areas. I am pleased to say that the first and only off-leash dog swimming area in Queensland is in my electorate. It has been provided by the Brisbane City Council, through the efforts of Councillor Kim Flesser, at Tuckeroo Park, which is on the way to Nudgee Beach. That first is soon to be complemented by another first in Queensland—and I believe Australia—and that is the dog equivalent of Disneyland, which is a new facility called Doggy World in my electorate to be opened by Councillor Kim Flesser by the staging of a dogs breakfast at Tuckeroo Park on Saturday, 27 October, between the hours of 9 and 11.30.

Mr Schwarten: That's an old saying, that one—you look like a dog's breakfast.

Mr NEIL ROBERTS: That is right. The dogs breakfast is intended to officially launch Doggy World. It is being sponsored by a sausage sizzle provided by the Boondall Lions Club and a number of local vets and pet suppliers within the local area.

Ms Spence: Will there be doggies in the window?

Mr NEIL ROBERTS: There will be doggies in the window. Doggy World is defined as a low-level dog obedience and exercise course located at Tuckeroo Park, which, for the members' information, is located on the road to Nudgee Beach.

Councillor Flesser has very proudly proclaimed—and I am sure that the Premier will not mind me advising the House of this—that the off-leash dog swimming area is Queensland's, and Australia's, first legal nude bathing area for dogs. I invite people to come to the dogs breakfast on Saturday, 27 October and to bring their dogs, which are welcome to swim in the nude at the off-leash dog swimming area. Councillor Flesser has indicated very strongly that owners are to ensure

that their dogs do not engage in lewd behaviour, because it will be frowned upon. Owners are requested to ensure that their dogs keep their paws to themselves while using these facilities.

Mr Schwarten: Is the policy going to be, 'No collar, no start'?

Mr NEIL ROBERTS: No collar, no swim; I think that is a fair policy. I am pleased to stand and support this bill. I congratulate the minister once again. Again, I extend an invitation to the minister, members and any dog owners and dog lovers to attend the dogs breakfast to officially launch Doggy World at Tuckeroo Park on the way to Nudgee Beach on Saturday, 27 October. I commend the bill to the House.

Mrs LAVARCH (Kurwongbah—ALP) (12.40 p.m.): In 1925, the Queensland parliament, with William Gillies as Premier, coming after Ted Theodore—

Mr Schwarten: Both Labor premiers.

Mrs LAVARCH: I thank the minister for filling me in on the history. The parliament at that time debated and then enacted the Animals Protection Act. That debate is instructive when considering the current bill before the House, the Animal Care and Protection Bill 2001. Looking at the second reading debate that occurred 76 years ago in relation to the act that the current bill will replace reveals some common threads. Without labouring the point, I believe it is worth while in this debate to explore those common threads in some detail.

Queensland of 1925 was, as it is now, an exciting place to be. Less than 10 years after the First World War, the state was still recovering from the enormous social and economic changes that conflict had wrought upon Australia. It was a time of economic growth, and the great agricultural industries of the state were enjoying a period of export growth into the markets of Great Britain and its empire.

The Animals Protection Act 1925 was good, even foresighted legislation for the time. It recognised that owners had some responsibilities towards certain animals they owned. Cruelty to animals, when found, should be an offence in some cases and dealt with by the law.

Responsibility for the 1925 act's passage was in the hands of the Home Secretary, Mr Stopford.

Mr Schwarten: The member for Mount Morgan.

Mrs LAVARCH: The minister is good.

Mr Schwarten: He later became a federal member for Maryborough.

Mrs LAVARCH: I thank the minister. Mr Stopford spoke of the 40-year existence of the Society for the Prevention of Cruelty to Animals in Queensland and the fact that it had been operating under a 25-year-old act that did not give the society sufficient powers to fulfil its humane functions. Specifically, he spoke of the society's lack of powers to enter private property.

The examples of animal cruelty referred to by the Home Secretary and other members in the 1925 debate related to working animals, horses and farm animals such as pigs. The treatment of homing pigeons was of great concern, but this was not surprising given the role that pigeons played in communications in the Great War. The 1925 act made it an offence to shoot or detain a homing pigeon. While the opposition spokesman, Mr Morgan, the member for Murilla, supported the bill, he foreshadowed one of the problems that is still apparent today, which is the need for state authorities to take action to enforce the law and not rely solely on the RSPCA.

The 1925 act had, in turn, replaced the 1901 Animals Protection Act. That act dealt entirely with work related uses of animals such as overriding, overdriving, overworking, overloading or conveying any animal that is unfit for any such work use. It is interesting to note that the 1901 act expressly exempted from cruel acts the extermination of rabbits, marsupials and wild pigs. Of course, the 1925 act has been amended repeatedly over the years, yet, as the minister has indicated, the regime applying to the protection of animals in Queensland is outdated and inadequate. That is why this bill is needed.

The bill now before the House has at its core the use of the five freedoms of animal welfare enunciated by the landmark report by the 1965 Brambell committee in the United Kingdom. Those five principles are: freedom from hunger and thirst by ready access to fresh water and a diet to maintain full health; secondly, freedom from discomfort by providing an appropriate environment; thirdly, freedom from pain, injury and disease; fourthly, freedom to express normal behaviour; and, fifthly, freedom from fear and distress. Those freedoms form the basis of a duty of care that a person in charge of an animal owes to that animal. Failure to meet this duty of care is an offence under this bill. In large measure, the bill explains how a duty of care is to be

determined and the various exemptions that apply to allow actions that would otherwise be a breach of the duty of care and, therefore, an offence.

The notion of a duty of care is a concept that is usually associated with the law of torts and, in particular, the law of negligence. A duty of care is owed when a person can foresee that damage or injury might result from that person's conduct. A duty of care, of course, exists in a range of human relationships, for instance, the duty a parent has to a child, a professional service provider has to a client or an employer has to an employee.

To apply the notion of a legally enforceable duty of care to animals would be regarded as quite remarkable to the legislators of 1925. In fact, in 1925 duties of this type were recognised by law in cases of direct relationships, that is, between people. The modern law of negligence and obligations owed to the community more generally only became established seven years later in 1932 in the celebrated decision of the House of Lords in Donoghue v. Stevenson. The idea that animals are owed a duty of care would have been regarded as quite outlandish to say the least. Clause 17(3) of the bill outlines the basis of complying with that duty of care. Clause 17(4) applies an objective test of a reasonable person's behaviour in the circumstances in assessing if a duty has been breached.

The bill also provides that codes of practice will or may be applied to give more detailed standards of care and require that these be met in satisfying a duty of care in particular circumstances. Codes can be legally binding if so prescribed by regulation, or not legally binding. If not legally binding, the standards in the code will be indications if a duty has been breached. Compliance with the code would be a defence to a charge of a breach of duty of care.

A legally binding code will provide standards that must be complied with. Failure to match the standards in the code with the practice will be an offence. An example of a binding code is that applying to the care and use of animals for scientific purposes. Also, the Circus Federation of Australasia has a code relating to the use of animals in circuses that it has requested be made mandatory.

The ability to make specific codes for particular industries and uses for animals is a worthwhile power as it enables appropriate standards to protect animals. However, I believe that there are several points that need to be considered carefully. Firstly, it will be important that a specific industry or sectorial interest group is not able to dominate the code's development process so as to apply standards that water down, inappropriately or unjustifiably, the general duty of care based upon the five freedoms. A variety of stakeholders need to be involved to guarantee a balanced outcome. Secondly, parliament should always examine closely the powers to create criminal offences by way of regulation rather than express legislative enactment. While the system here proposes the tabling of the codes as regulation, and hence there exists a power of parliament to disallow the instrument, the use of such mechanisms is not overly desirable. I have spoken before in parliament about privatisation of the regulatory system by the use of self-regulatory codes and semi-private law making. In general terms I believe that the benefits of such practices outweigh the downsides, but vigilance is called for. In this case, I think that the balance is right, provided that the code development process is open, accountable and broadly based.

Of course, the area of animal protection has featured probably the most celebrated example of the privatisation of law enforcement. I speak here of the role of the RSPCA. In his second reading speech, the minister pointed out that the RSPCA has carried a tremendous burden in promoting and enforcing good standards in the prevention of cruelty. It is an organisation with strong credibility in the general community, although it has had some internal governance issues to confront in the recent past.

It is reasonably unusual for a private organisation to have what amounts to certain police powers and the capacity to compel private individuals to take various actions. There are, however, some similar circumstances of private bodies with enforcement powers such as the Australian Stock Exchange in relation to its listing rules applying to public companies. But as a general principle, powers of enforcement and compulsion are vested solely in public institutions.

What is particularly unsatisfactory under the 1925 act is that there is no real statutory accountability mechanism for the RSPCA in how it carries out its statutory powers. Clearly, such an absence of procedural scrutiny is unacceptable in any enforcement body. The regime established under this bill provides that persons may be appointed by the chief executive officer as inspectors. To be appointed a person must be a public servant, an employee of the RSPCA or included in a class of persons declared by regulation.

Importantly, the chief executive officer must also be satisfied that the person has the experience to be an inspector or qualified by training for the job. The law also provides comprehensive provisions regarding the right to enter property and the occasions this can take place without a warrant. In total, the new regime is much more open and accountable than that which it will replace.

While in one sense the bill will impose a more stringent regime upon the RSPCA, the society is nonetheless highly supportive of the bill. I note that Mr Mark Townsend, CEO of the society, has applauded the bill and urged its quick passage through this parliament.

Agforce is also a supporter. This is not surprising, as the original law in the area has always focused solidly on the use of working animals in agricultural pursuits. Given the increasing globalisation of good practice standards, Queensland producers might have been faced with some restrictions in access to markets if our laws protecting animals were not up to international standards.

In conclusion, Queensland has moved considerably from the debates which accompanied the 1901 and 1925 predecessors of this bill. The notion of a duty of care is innovative and timely. The introduction of accountability standards to the enforcement of the law is also welcome. The balance between public and private enforcement appears right and is, of course, consistent with the century-long role played by the RSPCA. This law will put Queensland in the forefront of this area and is deserving of this parliament's support.

Mr LEE (Indooroopilly—ALP) (12.51 p.m.): It is a very great honour to rise in support of the Animal Care and Protection Bill 2001. At the outset, can I say that I believe this is the most advanced piece of legislation to hit the floor of the parliament this year and also that it sets the benchmark for this type of legislation in Australia. I believe it is a great credit to the minister and his department. I am also disappointed that no Liberal Party members saw fit to participate in this part of the debate.

Such is the sophistication of the Animal Care and Protection Bill that other states are already looking at copying large parts of it. I believe that the Animal Protection Act 1925 not only is outdated but also falls well short of setting acceptable standards of care and protection for animals.

The Animal Care and Protection Bill makes the necessary amendments and places a greater emphasis on commonsense in animal care issues. The bill establishes a clearly defined duty of care for the protection of animals. The aim of the bill is not to punish; it is to educate animal owners as to the acceptable standards of caring for their pets and also their working animals.

The forethought and industry expertise that went into the creation of this bill will benefit many in this area. For the past three years, Chelmer, a suburb in my electorate, has been plagued by the horrific crime of dog baiting. I have spoken previously in the House about this subject.

When I was elected in February, I was astounded that dog owners, residents and, perhaps more seriously, parents in Chelmer were living in fear that their loved ones would be targeted next. Over a three-year period, about six dogs have been killed and many others have fallen violently ill because of somebody throwing baited dog food into people's yards.

However, what really amazed me was that even though the residents had sent numerous letters to their local representatives—their councillor and state and federal members of parliament—I do not believe that the issue was treated with the gravity that it clearly deserved. Some of the responses from the then local representatives bordered on the comical. One response stated—

What a dreadful story you tell. If only you had a Neighbourhood Watch to look out for you.

But there was no real action at all. The situation that was allowed to persist in Chelmer was a complete dog's breakfast. It was this attitude from their local representatives that saw the problem continue over a three-year period, during which time a number of other dogs were murdered. I believe those pet killings could have been avoided.

This is why I am very proud of the manner in which our Labor government deals with animal welfare issues. After becoming aware of the dog baiting problem in Chelmer, I held a public forum with the RSPCA, the police and over 50 local residents. Since this time, the police have conducted a thorough investigation of the crimes, and we are now awaiting lab results so that we, hopefully, will be in a position to lay charges.

I am delighted that many people in my electorate own and care for dogs. Early in the morning and late in the afternoon it is a treat to see people walking their dogs in areas such as St

Lucia, Taringa, Indooroopilly, Fig Tree Pocket, Chelmer, Graceville and Sherwood. It is plain to see that dogs and, for that matter, animals in general make great companions for adults and children. These animals deserve the right to live without fear and cruelty.

That is why I think it is important that we go that step further and create legislation of this quality which imposes a clear duty of care on the guardians of all animals. This bill makes it perfectly clear to people such as the dog baiter in my electorate that this is a very serious crime and will not be tolerated by our government.

Section 36 of the bill states clearly that 'a person must not, with the intention of injuring or killing any animal, lay a bait or a substance that is harmful or poisonous to any animal'. The maximum penalty for such an individual offence is 300 penalty units or one year's imprisonment. This illustrates that crimes towards animals of this nature are simply not acceptable. Baiting animals is not only inhumane, it is sick and it compromises the safety of small children playing in their yards.

I am delighted with this bill, because it sends a clear message that baiting and cruelty to animals in general will simply not be tolerated. I also applaud this bill for its educational direction towards animal welfare and protection. The penalties alone will not be the way that we deter even the most sinister-minded people from being cruel to animals. And that is why I am so pleased that there is an education component in the bill.

The bill also outlines our government's commitment to animal welfare and protection. Unlike the existing legislation, which deals with cruelty only after it has occurred, the Animal Care and Protection Bill sets out to detect animal cruelty and remedy the situation. This unwavering commitment to animal welfare does not only extend to pets, working animals and farmed animals. I am proud to mention that it also extends to animals used for scientific purposes. I believe that the DPI is heading in the right direction by setting clear and consistent requirements for the registration of scientific users of animals.

I have a very large university, the University of Queensland, in my electorate. I am happy to say that the registration of scientific users of animals will be done in a rational and realistic manner. For example, I believe it warrants mentioning that the department has had the foresight to make it necessary for university lecturers conducting experiments on animals with students present to be registered. However, the students themselves are not required to be registered while under the supervision of a registered lecturer. Hefty penalties will be incurred for operating outside these guidelines.

I wish also to make a point about the animal welfare directions that have been implemented for use when an animal's welfare is compromised. This alleviates the need for up-front prosecution and purposefully serves to educate before further steps are taken.

It is rare that a bill of this magnitude gains cross-industry support. I believe it is a testimony to the consultation processes conducted over the past few years by the Department of Primary Industries that the bill we have before us carries the support of animal welfare organisations such as the RSPCA. Groups like the RSPCA do a great job in our community. Later this month the RSPCA in Fairfield will be holding an open day. It will be a great opportunity for all of the mums and dads to take along their children, visit the animals and perhaps adopt a cat or dog. I have always been impressed by the staff and the volunteers at the RSPCA. I am very grateful for the help they gave me in choosing my two pet cats.

Because of the nature of the work conducted by the RSPCA, fundraising plays a particularly important role for it. I wish to make special mention of one group that does a tremendous job for the community and also helps raise some much-needed funds for the RSPCA's care of animals. The Sherwood RSPCA thrift shop has a large number of volunteers who do an absolutely wonderful job. I am also pleased to announce that, as part of the International Year of the Volunteer, they are to be presented with an award. I wish particularly to mention Marg Chittick, and I seek leave to incorporate into *Hansard* the names of the other hardworking volunteers.

Leave granted.

Jim Chittick, Maree Jones, Roger Whitling, Sandra Proctor, Beth Moller, Emily Palmer, Jean Illingworth, Kay Anderson, Dianna Speed, James Dillon, Joyce Burke, Glenda Lawn, Felicity Stone, James Burke and Ros Cameron.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

Mr LEE: The Animal Care and Protection Bill legislates a commonsense approach to the protection of animals, and the creation of the Animal Welfare Advisory Committee will allow for ongoing committee input into issues that arise from time to time. The DPI's commitment to

engage the expertise of independent animal welfare groups is great to see and it demonstrates that the department really is putting animals' welfare first.

In contemporary society the focus of animal welfare issues changes on a regular basis. I feel that it is paramount to create a body such as the Animal Welfare Advisory Committee to deal with issues on a rolling basis. It is this sort of forethought that is the result of extensive consultation and sets an example to similar departments throughout Australia. Again, this provides a great example of the rationality used in the creation of this bill. Providing a working group of this nature allows for changes to the legislation to be made when necessary.

Therefore, it is without hesitation that I commend this bill to the House. It is commonsense made law. The Animal Care and Protection Bill has established a set of well consulted and rational guidelines that set the minimum standards for animal care and protection. I believe that I join my fellow parliamentary colleagues when I say that I am very proud to be part of a government that is prepared to go that one step further—a government that is not ashamed to put equality first and is preparing to tackle issues dealing with cruelty. I commend the bill to the House.

Mr FLYNN (Lockyer—ONP) (2.31 p.m.): I rise briefly in support of the general intent of this bill that ensures, as I believe it does, a far clearer explanation of public and statutory responsibilities thus far open on occasions to erroneous interpretation. Cruelty is provided for in previous legislation. It is still covered by this bill, as is neglect. However, I am sure we all know that animal welfare relies upon far more than simply control in these areas. I was pleased to see the expansion of our responsibility towards animals in the definition of a new responsibility of a general duty of care, much vaunted in the human arena. This duty, of course, is accompanied by a necessary offence under clause 17(2) of the bill, a breach of duty of care.

When reading this bill I became aware that there was a danger that codes of practice, if applied across-the-board, would cause extreme difficulty and financial distress to rural Australia. However, I see that these concerns have been largely addressed with the inclusion in the bill of clause 40 providing exemptions from compliance in conjunction with the clauses contained within the relevant code of practice.

If we can be assured that changes to the codes of practice will take place only after consultation with target groups, then this may well be effective. It is clear, therefore, that my chief concern revolves around an understandable worry of rural folk that too much discretion to change the rules lies with the minister. It is these exemptions under the code that will hopefully make the bill workable.

When being briefed upon this proposed legislation it was mentioned in passing that under the existing Animals Protection Act the powers of entry and seizure are far too open to abuse by authorised officers, including police. Clearly, the absence of any specific complaints in that regard shows the high degree of integrity displayed by members of our Police Service today.

Returning briefly to the concerning issue of exemptions, I would refer the rural sector, which has expressed concerns on this legislation, to section 7 of the Animals Protection Act which further lists exemptions from the provisions of this bill which, to some degree, address the concerns of farmers who have carried on legitimate livestock practices for many years. Any attempt to limit these practices would, in fact, cause unacceptable difficulties in delivering us the food that we eat. This was a brief address but it was to support the general thrust of this bill.

Ms JARRATT (Whitsunday—ALP) (2.34 p.m.): I rise today to speak on this most important piece of legislation, the Animal Care and Protection Bill 2001. This bill will extend the law to a number of important areas related to animal protection that could not be prosecuted under the old act, the Animals Protection Act 1925. This bill will produce standards that benchmark what is acceptable in the care and use of animals in particular circumstances. It changes the law from a reactive one with powers in limited circumstances to a law that is flexible and covers both the circumstances and the community attitudes that apply now and in the future.

This bill is the product of wide consultation with many stakeholders over many years, and I congratulate both the minister and staff on that consultation. It represents a major step forward for animal welfare in Queensland. It creates a duty of care obligation requiring all owners and users of animals to care appropriately for animals in their charge. This is one of the major improvements that this bill introduces. It will mean that there will be no need to wait until abuse has occurred. Rather, animal protection officers will be able to act or issue directions to correct problems before a situation becomes irreparable.

It will be an offence to breach one's duty of care to any animal in one's control. While duty of care provisions do not specifically relate to cruelty to animals, these provisions still exist and the penalties in this bill for acts of cruelty are being increased. Duty of care provisions cover aspects such as provision of adequate food and water; shelter; treatment of disease, injury and sickness; and appropriate handling of animals. The use of the term 'appropriate' in the bill is deliberate. Its use ensures that flexibility is built into the legislation, preventing a rigid and prescriptive approach to legislative interpretation.

Industry codes of practice are an important part of animal welfare practices. This bill will recognise codes of practice for use as guiding principles in the definition of animal cruelty. Most of these codes will be officially named in a regulation. These codes will play an important role in animal welfare. They will benchmark acceptable welfare standards and provide some security in business planning and good guidelines to anyone on how to fulfil their duty of care. Inspectors will also be able to refer to the codes for guidelines on how people are fulfilling their duty of care or as a reference for issuing written directions to improve standards of animal welfare. This bill introduces flexible but clear guidelines in relation to duty of care, and the use of codes of practice will enable us to continue adapting our welfare practices without having to move legislative amendments every few years.

Inspectors will play an important role in the enforcement of this bill. There is no change to the status of the RSPCA inspectors, and they will continue to fulfil their role as animal welfare inspectors. The RSPCA will continue to have adequate powers to deal with welfare issues under the bill. The RSPCA will share enforcement powers with Department of Primary Industries officers. An additional 120 government inspectors will be appointed, thereby taking the strain off the RSPCA and police.

Stock inspectors and DPI vets will be part time and they will concentrate on the production and transport of commercial animals, but they will still have the power to enforce all of the legislation. This will mean increased vigilance over animal welfare in Queensland. The RSPCA will remain in its role of animal protection but will now have the DPI officers to enforce these laws in the extensive and intensive animal production industries. These are areas that the RSPCA has found extremely expensive to deal with in the past.

In addition to DPI inspectors, police will also have delegated powers under the Police Powers and Responsibilities Act. A person appointed as an inspector will have to undergo adequate training and/or gain appropriate expertise before taking up duties. This will create clear direction, training and accountability standards and will ensure that inspectors maintain proper procedures. Procedural guidelines will be established under the bill to ensure uniformity for the prosecution of breaches throughout Queensland. The previous act had no such provisions. This clause will ensure that all animal welfare offences will be dealt with in a clear and consistent manner.

Animal welfare directions will enable inspectors to act in a preventive manner with regard to overstocking or neglect. Written directions to remedy the animal welfare breach will be able to be issued and inspectors will have the power to enter premises after a written direction has been issued to check on the welfare of animals in question. These powers will ensure that inspectors have the tools to do their job.

This bill will ban cockfighting, dogfighting and greyhound blooding. These are cruel practices that the Queensland and Australian community would regard as unacceptable because they are considered cruel. Being present at a prohibited event, possessing objects of animal cruelty or organising a prohibited event will become specific offences under this bill. For too long antiquated and ancient laws have allowed the perpetrators of such offences to escape punishment and hinder the RSPCA. Inspectors will now be able to act before cruelty has occurred and charge people present at a dogfight or cockfight before it starts.

This bill has as one of its guiding philosophies the strategy of co-regulation. Industry has been pushing for this. The Beattie Labor government has delivered. The idea is that livestock quality assurance systems are underpinned by supportive legislation from government. The former Red Meat Advisory Council Chairman, Malcolm Foster, said in the May 2000 *Queensland Country Life* that the best way for the future in animal welfare was for research based standards to be set jointly by industry and animal welfare groups. Mr Foster went on to say that once the standards were incorporated into codes of practice they could form the basis of industry quality assurance schemes and that state and federal governments could incorporate the industry quality assurance schemes into legislation to ensure individual operator acceptance of the scheme and provide legislative backing when industry takes action against breaches of the standards. That is

the aim of this legislation. It is clear that the Minister for Primary Industries has listened to the respectable voices calling for change.

Whenever change is brought to bear there will be those who resort to scaremongering, and I know that some people have expressed fear that they will be liable in circumstances of accidental cruelty. This bill proposes that there is no duty of care to an animal that is not under your control. In my electorate of Whitsunday I often find it necessary to travel distances over roads that go through areas with large kangaroo populations. If in these circumstances I or anyone else were to hit a kangaroo while driving a car, there would be no imperative to take the animal to a vet for treatment. In this instance, it is deemed that the animal is not under my control. If a person had the appropriate tools, for instance a firearm, and the animal would not survive and was suffering from its wounds and it was appropriate and safe in the circumstances, then a person could put the kangaroo down. If one was not so equipped, then the bill is clear: there is no obligation, because the animal is not under my control and the action is not appropriate in the circumstances. However, penalties for those who are convicted of cruelty to animals are severe, and rightly so. Honest and ethical operators in the animal industry should welcome these penalties.

While I have no wish to dwell on the capacity of some people to inflict pain and suffering on animals, I will give just a few examples of actual incidents which I hope will well illustrate the need for these stronger penalties for acts of cruelty to animals. Recently in my electorate an elderly man out for a late-evening walk made the gruesome discovery of a Jack Russell terrier hanging by the neck from a tree. The animal suffered a slow and painful death. The man who made the discovery was understandably traumatised by the circumstances surrounding the incident. In another no less horrific incident, two wild pigs and a wallaby were dragged to their deaths behind a vehicle after having had nooses tied around their necks. A trail of blood found on the road indicated that the animals had been dragged for a considerable distance. I cannot imagine what form of pleasure anyone would gain from perpetrating such cruel and malicious acts, but I hope that the threat of a possible $75,000 fine or two years imprisonment will make these offenders rethink their attitudes and actions.

While I welcome and applaud the increased penalties included in the Animal Care and Protection Bill, it must be noted that a major thrust of this bill is as an educative tool. This bill aims to enhance and complement efforts to educate Queenslanders about their rights and responsibilities in relation to animal welfare. With penalties being strengthened and the introduction of a duty of care for people who have animals under their control, this bill will enhance the educative role of the RSPCA, Department of Primary Industries and other animal welfare organisations. The punitive powers included in this bill are important, but the major emphasis is on education and cooperation. This bill is the framework upon which animal regulations will be based. It is flexible and responsive. While community attitudes to animal welfare issues will evolve into the future, this bill will enable these codes of practice to be used to determine what is and is not acceptable while still allowing government an overall regulatory role.

Though it may seem strange, animal welfare is also a trade issue. Our overseas markets are becoming increasingly sensitive about animal welfare issues, and Queensland has the largest animal industry in Australia. We must act for the reasons of ethics and humanity, as well as to ensure that Queensland's animal industry has access to the largest number of overseas markets without fear of boycotts or bans.

Because this legislation in it various forms has taken 15 years to reach this stage, it means that Queensland is the last state in Australia to update its animal protection laws—last but certainly by no means least, because the government has been able to observe how animal welfare and protection has fared in other jurisdictions and learn from those problems that were observed. Because of this experience and the extensive consultation that the Department of Primary Industries has undertaken with key stakeholders, I believe that this bill is the best animal protection legislation in Australia to date.

People with animals under their control have to act appropriately under the circumstances at the time. They are obliged to provide the basics of food and care to ensure that their animals do not suffer unnecessarily. But their actions must be appropriate at the time. A person will not be able to, for instance, herd all their sheep into one paddock and just leave them there to live or die. The person must provide the basics of life and take reasonable steps to fix the problem. This may involve destocking or may involve putting some of the animals down, but this also must be done in a humane manner and not cause unnecessary suffering or cruelty. The manner of the action must be acceptable in the opinion of a reasonable person in the circumstances.

While some people may see putting down animals as cruel, it is unfortunately necessary in the country. The principle here is clear: this bill is not about persecuting primary producers; rather, it is about introducing fair, humane and up-to-date animal protection laws. It is about education and a cooperative approach to the protection of animals in this state, and it is about being a Smart State in our approach to the evolving area of animal welfare and ethics. This bill has the flexibility to adapt to changing times and takes an educative and cooperative approach, but at the same time it contains severe penalties for those who abuse animals either through direct cruelty or the absence of care. The bill is fair and sensible. I have great pleasure in commending it to the House.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (2.47 p.m.): Today I rise to speak in debate on the Animal Care and Protection Bill because it is an important bill for this parliament to consider, particularly for those people who believe that the care and protection of animals is one of the most important things in our lives. Animals rely upon human beings for that care and protection. This bill has been in the making for a long time. Its formulation commenced almost 15 years ago. It was initially undertaken to a large extent by Tom Burns when he first came to this parliament, and when we were in government from 1996 to 1998 it was virtually almost ready. One reason the opposition is supporting the bill before the House today is that in many ways it is close to a mirror image of the legislation we had prepared.

When talking philosophically about the care of animals, there are two basic areas. One is the harvesting of animals in commercial farming operations—that is, the rearing and so forth. That process needs to be done in a practical but caring way. It should always be done humanely. All of the practices involved with that process should be aimed at providing the animal with comfort, good health, good nutrition and handling that is free of fear—that is, handling that, to every possible extent, is comfortable and stress free. However, during the preparation of bills such as this the opposition and the government share the belief that we have to be sensible in dealing with particular farming practices in vast areas, but the uppermost principle has to be the comfort and care of the animal so that the animal has a comfortable and enjoyable life. Animals should be provided with shade, water and feed. Any handling processes during that time should be done in a very humane and well organised way. I think that is one of the important things. I was pleased to hear some other people speaking about that.

Mention has been made of drought conditions. Some conditions are very difficult to handle, for example floods. Issues arising from floods can appear quickly—they can come about overnight—and they can make life very difficult for farming communities, particularly their animals, if farmers cannot get livestock off the river flats or out of other areas prone to water.

We have to be sensible about looking after the animals, but it does take some planning. It is necessary for people, wherever possible, to have avenues to get animals to higher ground. It is important in droughted areas to have, where possible and practical, a plan that takes into account the possibility of drought. It may allow for paddocks to be spelled and rested in good seasons so that there is a body of feed or mulga or for spare hill paddocks that have a little extra to take animals for a period of time.

It is important to have a plan for silage or round bales, a plan for agistment, a plan for transport or a plan to sell off if necessary. This is where some of the modern planning systems, particularly within the DPI, can be used. Some of the computer systems available can add to the normal planning a farmer might do to determine what he would do in certain situations. Systems that help people to make those crucial management decisions are good—before they get to the end of their tethers and before they get to the point of desperation and are unable to make the next move—not only for the proper operation of those properties but also for the welfare of the animals. It is good to see that thought has been put into that, into the humane treatment of animals and into the sensible and economically sound way of carrying out the necessary practices of cutting cattle, spaying and so forth.

I ask the minister to address my next point in his reply to the debate. I was approached by some people I know from my days of running showgrounds in relation to rodeos. In referring to the draft bill—at the time they did not have the final version of the bill—they spoke about using some sense in the way in which organisers for rodeos are appointed. I understand that this bill allows for that. There will be an organiser, and I take it that the organiser is the person who then has responsibility for ensuring all aspects of good care of those animals and ensuring that the codes of practice and so on are adhered to.

Mr Palaszczuk: That will be in the code and the code will be developed in consultation. We will be looking for a national code.

Mr HORAN: The point I make is that there are very professional, longstanding contractors who do the entire process themselves. They are contracted by a show society, a rodeo group or whatever. They are generally people who breed their own horses or breed their own cattle for the bulls in many instances. They virtually love those animals.

A friend owned the bucking horse of the year and it was his favourite pet. That was old Cyclone, and the family loved him. Some of those horses still win those titles in their 20s. Their best years are 12 to 21, but many go longer. You can put a halter on those horses and lead them into a truck. They are well fed, well groomed, well looked after and so forth.

In developing that code, whether through the APRA or the other rodeo associations, it is important to recognise these people with their long years of experience and their affinity with their animals. In many ways these animals are a bit like footballers. They are well trained to do what they do. They like it, but they like the game to be over so that they can get back in the truck and go home. I would like the minister to comment on those points. I ask the minister to note the practical aspects I have commented on. All governments involved in the preparation of this legislation have had a good look at those aspects.

In relation to drought the minister made some comments yesterday, as did I, about his role as minister and the role of the federal government. Everyone has to work cooperatively. I saw the way in which the exceptional circumstances regulations, which had been put in place some years before by the state and federal governments of the day, were dealt with. Warren Truss worked hard to include the information the department had a responsibility for—

Mr Palaszczuk: No.

Mr HORAN: Just yesterday the minister spoke about how the government helped Agforce. The minister has to be part of the scene if he wants to be a team player and hop in and help the people. He has to use what facilities he has—or what is left after all the job losses and so forth.

Mr Palaszczuk: I explained that.

Mr HORAN: There are 550 positions gone, and some of them are positions forgone that were promised and never delivered.

From a review conducted in 1999 the minister secured cabinet approval to scrap the state government's Drought Relief Assistance Scheme by 2002 and in August 2000 he handed $57.7 million from the Queensland Rural Adjustment Authority reserves to the Queensland Treasury. So the government's own scheme was very limited.

It is important to have on the independent local committees a good balance of people that can make decisions. There were reports last year of too many people from the DPI being on some of those committees and reports of them voting against the area being drought declared while the locals were voting for it. I think there needs to be balance, because it is also an issue of animal welfare. Some of the arrangements that pertain to drought declarations, such as assistance with fodder, transport and so forth, are crucial to animal welfare and are crucial to decision making and the drought declaration process.

I would like the minister to take note of the points I have made and to work closely with the federal government in trying to get things such as exceptional circumstances arrangements through. Time is of the essence. The minister knows that the arrangements put in place by state and federal governments meant that they had to have certain information for the NRAC committee to be able to make the decision. I know how hard Warren Truss worked to get that and to make it fit within the guidelines for those people.

The opposition supports this bill. A lot of work has been done by a number of governments, including the coalition government, over the past decade or more. I am of the sincere hope that this bill will mean that the handling of and dealing with animals will remain practical. Also, I hope we will always abide by the principle of being humane and making the lot and life of animals comfortable and enjoyable.

Ms LIDDY CLARK (Clayfield—ALP) (2.58 p.m.): It is a pleasure for me to be able to commend the Animal Care and Protection Bill to the House. The tenets of this bill are ones that are very important to me, whose closest companion is my pet, and of course to my dog, Scout.

In one sense I regret that this bill is necessary, for not only does it regulate the handling of animals; it also recognises the need to protect against acts of cruelty and neglect. It is proactive legislation that will encourage and, if need be, enforce the need for all people to demonstrate respect for the creatures that cohabit their environment and that are under their protection.

While the provisions may be complicated, in essence this bill is very simple. It is about respect. The concept of respect is embodied in the notion of the five freedoms. The five freedoms enshrined in this bill are a measure of how far we have come in our understanding of animal behaviour. They are also a mark of our increased understanding of the interconnectedness of humans and their animal companions.

The five freedoms are ideas that responsible pet owners and animal handlers inherently understand. More importantly, they are rights that even Scout understands and is never hesitant to remind me of. The five freedoms establish the platform from which our treatment and understanding of and behaviour towards animals begin. In fact, so good are these freedoms that we should perhaps use them as a benchmark for industry standards. The call centre industry fails on the criteria of freedom from discomfort, freedom from pain and injury, freedom to express normal behaviour and freedom from fear and distress. That is failure on four out of five. So perhaps these freedoms should be included in the call centre charter for employers.

One of the special things about this bill is the respect that it affords the RSPCA. It is frustrating that the RSPCA has been criticised for lack of accountability when it performs such a hard and unforgiving task as enforcement. The sad part of pet ownership is the number of people who have yet to develop respect and understanding for their companions. This is evidenced in the numbers of animals who are abused through neglect, experimentation, dumping, hunting and fighting. It is also the side of animal welfare the public does not want to see. These are concepts that are completely alien to me and, I hope, to Scout, as well. The accountability regulations under chapters 5 and 6, missing from the 1925 act, will give the RSPCA legitimacy in the eyes of the public, which will in turn foster the respect that the RSPCA deserves, while developing partnerships with government that can only increase the effectiveness of the enforcement of legislation.

Part 3, which creates prohibited events, also sends a clear message to the community about unacceptable standards. The public reaction to reports of dogfights, cockfights, bullfights and coursing is clear evidence that the community finds activities such as these abhorrent and intolerable. That these activities are clearly and undeniably banned upholds these community opinions and values.

I would also like to briefly touch on the illegal trade in animals that exists throughout the world. With such unique fauna as is found on our continent, and such a vast coastline, we are a prime target for such activities. It is a pipedream, but I continue to hope that enforcement of anti-cruelty laws will one day become an anachronism.

The conditions that this bill places on cosmetic alterations to animals are further reflective of the advances in our understanding of accepted practice. It is recognition that animals are our companions and that they hold the same rights to freedom from pain and injury as we do—recognition that animals should not merely be subject to our whims and fancies; that our preoccupation with appearance and cosmetics should not be transferred to the animal world. As such, part 4—regulated surgical procedures—is vital in ensuring that procedures such as docking, de-barking and de-clawing are carried out by professionals and only if the requirement under part 3, chapter 4, that it must be in the interests of the animal's welfare, is met. I applaud this section. Part 2 of this bill is also proactive in pre-empting the requirements for scientific purposes. A fine balance needs to be struck between the use of animals in research, education and testing and their rights as outlined in chapter 3.

The strict guidelines for the registration of scientific users will go a long way to ensuring that any monitoring, testing or trialling is carried out in a scientific and humane way. It is an issue that all pet owners find hard to synthesise. However, I believe this legislation to be a reasonable balance between needs. My only regret is that this bill does not outlaw the inhumane practice of keeping battery hens. If call centre workers are denied four of five freedoms, then battery hens are denied five. This is a cruel and inhumane practice that anyone who respects the rights of animals as outlined in this bill would appreciate. The practice of keeping battery hens is a classic example of humans practising cruelty for financial gain. As someone who loves my pet, to me the idea of keeping any animal locked in a cage 24 hours a day, seven days a week is abhorrent.

Another thing that underpins the spirit of this bill is the companionship that we find with our animal friends. As I have said before, my greatest companion is Scout, and the same principle holds true for many single or elderly people. This bill is not just the legislation on paper; it is about the spirit of companionship and friendship that human beings hold and the interface between owners, industry and animals.

While I am on the subject of companionship, I would like to take this opportunity to say to the Minister for Public Works and Minister for Housing that I can see a way in which two great companionship problems of our society can be solved: thousands of unwanted animals languishing in pounds; thousands of elderly public housing tenants wishing for a companion—not only wishing for a companion, but being the kind of people who would respect the five freedoms of animals and be another link in the chain of responsible pet owners who will, hopefully, one day render antiquated the need for anti-cruelty legislation. How easily one could help the other, if only the legislation allowed animals in public housing seniors units. I sincerely hope that one day I will have the chance to speak to that piece of legislation. However, this bill is relevant, clear and embodies great values. I commend it to the House.

Mr QUINN (Robina—Lib) (3.05 p.m.): As Leader of the Liberal Party, I am pleased to be able to support the Animal Care and Protection Bill 2001. This bill will ensure a duty of care principle towards animals by all people and replace the outdated Animals Protection Act 1925. This contemporary and proactive legislation looks to introduce mechanisms to improve the conditions of animals and increase penalties for those who do not take the appropriate care. The bill will also assist the RSPCA to deal with animal welfare incidents to ensure that animals are protected through responsible care.

In our society, we expect that people will be living in improved conditions. This also applies to the animals in our community. Public attitudes have changed, and behaviour towards animals that was once acceptable to some is no longer so. Animals these days are more than just beasts of burden; they are our companions, our friends and sometimes members of the family and, as such, need legal protection and safeguards.

It is important for our parliament to provide a balance between the safety and care of animals and the people who work in the industries that utilise them. I am pleased that this bill does so, with initiatives such as the introduction of codes of practice for farming, circuses and animals used for scientific purposes. The education and promotion of responsible care and use of animals with the introduction of minimum standards will assist with these flexible protection safeguards. It is essential that inspectors have the authority to order a course of action to improve a situation where animals are not receiving adequate care. Inspectors need this authority to be able to resolve an existing situation quickly through the issuing of written directions specifying detailed care instructions.

Our changing attitudes and thoughts on how we treat animals are very important factors that have resulted in the introduction of this bill. Previous legislation was reactive, and this is not acceptable by today's standards. It is important to go further than to just punish those who are cruel to animals after the fact. It is often too late then and the damage has been done. Our responsibility goes beyond this. The duty of care that this bill establishes will ensure that basic standards are provided, such as appropriate living conditions and adequate food and water. The Liberal Party supports the increased penalties and sentences for those failing the animals in their care. At a maximum of $75,000 and two years imprisonment, I believe that Queensland will have appropriate punishments for offenders that will work as a deterrence to others. I commend the government on this element of the bill.

There are two small points that I would clarify, however, as this debate progresses. Earlier today the member for Indooroopilly stated that it was a shame that the Liberal Party was not represented in the debate on this particular bill. I, on the other hand, believe it is a shame that the member for Indooroopilly did not take the time to read the list of speakers, where he would have found my name.

Mr Palaszczuk: It's very difficult to find.

Mr QUINN: But it was on the list of speakers from the word go. It certainly is a fact that the member for Indooroopilly did not improve his credibility with such comments earlier today.

My second point is that the member for Hinchinbrook rewrites the history books and would have us believe that this bill is similar to a bill that was worked on by the National Party. The fact of the matter—as everyone knows—is that it was worked on during the term of the last coalition government.

Mr Palaszczuk: It seems so long ago.

Mr QUINN: Yes. Even though it was so long ago, the fact remains that it was worked on when the coalition was in government.

Mr Palaszczuk: And there's no chance of reuniting, I understand.

Mr QUINN: We will wait and see. With those points aside, the Liberal Party will be supporting this bill because we believe that it is a substantial improvement on the previous legislation.

Mr SHINE (Toowoomba North—ALP) (3.10 p.m.): It is indeed pleasing to know that the National Party and the Liberal Party—formerly the coalition—support this legislation. I hope that other legislation before the House will similarly be supported by them.

In 1965 when the British government reviewed the welfare and care of animals in the UK for legislative purposes, they proposed that all animals deserved the freedom to stand up, to lie down, to turn around, to groom and scratch themselves, and to stretch their limbs. They are wonderful ideals. In fact, by the sound of them, if each were applied, animals would probably enjoy much more freedom and a better life than do many humans. These minimum are known as the five freedoms.

Over time those five freedoms have been reviewed. They now read as: one, freedom from thirst, hunger and malnutrition by ready access to fresh water and a diet to maintain their full health and enthusiasm for life; two, freedom from discomfort by providing a suitable environment, including shelter and comfortable resting areas; three, freedom from pain, injury and disease by prevention, or rapid diagnosis and treatment; four, freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animals' own kind; and five, freedom from fear and distress by ensuring conditions that avoid mental suffering. Although those five rules of thumb are wonderfully inspirational and idealistic, the reality is that if everyone ran around trying to provide each of those freedoms to their pets and livestock, they would most probably fail.

Dr John Webster, a Professor of Animal Husbandry and one of the researchers who helped develop those five freedoms agrees. He said—

When put to work by comparing different housing systems, the five freedoms are an attempt to make the best of a complex situation. Absolute attainment of all five freedoms is unrealistic.

By revealing that all commercial husbandry systems have their strengths and weaknesses, the five freedoms make it, on one hand, more difficult to sustain a sense of absolute outrage against any particular system such as cages for laying hens or stalls for sows and easier to plan constructive, step by step, routes towards its improvement.

One example he uses to explain what he means is laying hens that produce eggs. These hens are kept in cages that, obviously, restrict movement and other natural behaviour, such as nesting, perching and dust bathing. Evidence suggests that over time this leads to frustration and possible distress.

However, before domestication hens lived in social groups of about six hens with one rooster. During the day they would shelter under bushes to seek protection from predators. Staying in small groups and in a small area allowed hens to know their companions and where to find shelter when faced with a threat. Research in Europe and Canada has proven that with four to six birds in each cage each hen gets the food and water it needs without having to fight for it. When birds are in a large, open aviary or free-range flocks, disease and cannibalism is a serious problem.

In the cage systems with mesh floors, waste falls away from the birds. This means clean birds, clean eggs and a cleaner shed, making it difficult for disease and parasites to live. While their right to freedom and normal behaviour may be limited somewhat, the hens are provided with a stable environment with clean food and water. They are protected from predators, disease, parasites and fighting.

Researchers are now investigating enriched cages that take advantage of the benefits of cages—small group sizes, food safety and hygiene—and combining these with the benefits of open housing by adding nest boxes and dust bath locations. That is a perfect example of how the five freedoms cannot all be met realistically, but challenge, educate and inspire the community to look for modern ways to maximise the health, care and wellbeing of animals. These five freedoms also provided the inspiration behind the Animal Care and Protection Bill.

Before us is a bill that is realistic and proactive. With the five freedoms in mind, it strives to educate the community on what is appropriate and what is not in terms of animal care and protection rather than simply punishing people for poor animal welfare standards. In my electorate of Toowoomba North, the Toowoomba Department of Primary Industries receives numerous calls about animals being deprived of good health and wellbeing—animals deprived of the five freedoms. They admit that, in most cases, it is a lack of education that has led to animals being treated poorly and not malicious intent. Rather than punishing people for misguided care,

education would prove to be much more effective in the long term for both the animal and the carer. Nevertheless, under the current Animal Care and Protection Act, these people would receive a slap on the wrist with either a fine or a jail sentence—the maximum penalty being $1,500 or six months in jail. Despite that, the owners and carers of these animals still would not know how to treat their animals any better. I ask members: does this solve the problem? I think the answer is, we think not.

I refer the House to chapter 3 of the bill titled 'General animal offences'. I believe the most important sections for consideration are contained in this part of the bill, because it affects the majority of the community who deal with animals. It is inspired by those five freedoms to which I referred and outlines the duty of care that we have to animals. We can use this section of the bill to educate those people who unknowingly do not provide adequate care to their animals because they lack the knowledge.

Part 4 of chapter 3 raises the important subjects of the ear cropping, tail docking and de-barking operations. The significance of these surgical procedures has been debated for some time. However, research has proven that these procedures are not in the best interests of animals and violate their five freedoms. Rather than sustain the life of debate on that issue, through this bill the state government has taken the initiative to ban those surgical procedures, unless they are necessary for the animal's welfare. It is hoped that that will educate the community, showing that these procedures are, in fact, harmful to an animal's wellbeing. It is just one example of this proactive, realistic bill that strives to educate Queensland on animal care and protection.

Members should not get me wrong. Some people are misguided and uneducated on animal care and protection. However, they are very rare and few—thank God. In those circumstances the bill, and in particular this chapter, deals with these people, too. The bill uses those five freedoms to define what is cruel and what is depriving animals of adequate welfare. It also uses community and market expectation to decide and maintain high animal welfare standards.

As part 3 of chapter 3 shows, bullfighting, cockfighting, dogfighting, or anywhere where an animal fights with another or is hunted for entertainment purposes has been deemed in modern western civilisations to be abhorrent and wrong. These issues are raised by the bill as inappropriate and have severe repercussions for offenders, the maximum penalty being $75,000 for individuals and $345,000 for groups. In these circumstances, clearly no amount of education will prevent events like these from happening. It is hoped that heftier penalties like the ones I just mentioned will deter people from being cruel to animals.

The welfare of an animal includes its physical and mental state. From the five freedoms we consider that good animal welfare implies both fitness and a sense of wellbeing. I am sure that every person in this House today would agree that any animal kept by man must at least be protected from unnecessary suffering.

I believe that an animal's welfare, whether on a farm or in transit, at market or at a place of slaughter should be considered in terms of the five freedoms. What must be remembered, though, and what is conveyed through the bill, is that these freedoms define ideal states rather than minimum standards for acceptable welfare. Through this, they do the task of defining what is right and what is wrong in animal care. Considering this, I believe that this is the firmest foundation that a bill like this can be built upon. It is legislation that strives to educate and enforce a high level of animal care and protection and it is legislation that is proactive.

In a pamphlet released by the Department of Primary Industries, a summary is made of the purposes of the bill, which are to promote the responsible care and use of animals, to provide standards for the care and use of animals, to define and protect animals from acts of cruelty, to reflect the changes in community and consumer expectations about the use of animals, to take into consideration the updated scientific information about animals since the 1920s when the first bill was enacted in this state, to provide guidelines for people whose livelihood is dependent on animals, and, finally, to ensure that the use of animals for scientific purposes is accountable, ethical, open and honest.

I congratulate the minister on the work done by him and his department with respect to this bill. It is with great pleasure that I commend the bill to the House.

Mr HOPPER (Darling Downs—Ind) (3.21 p.m.): I rise to support this bill today and, in so doing, I would like to make the following points. I am in total agreement with most of the bill. However, I believe that there are two categories of people whom this will affect in different ways, that is, the urban animal keepers and the so-called hobby farmers who have a few animals in their care.

Quite often I drive past a home on about four acres of land and the owners have a set of cattle yards as big as some of our farms. It all looks great and is a fine display of wealth, but they sometimes have three or four horses and about 20 cattle there. Quite often the cattle are in poor condition. There is no excuse for this. The people who own such places do not rely on primary industries for their income, and if they have animals in their care they must be looked after very well. Members must not get me wrong. I commend people who live on small blocks and have healthy livestock. It is their right and at all times we should protect that right.

The other people I speak of are our primary producers who do such a wonderful job in feeding our nation. Those people rely on the production of animals for their whole income. I have been a farmer all my life and I have not met too many farmers who do not go about their everyday business by caring for the animals that they live off.

I would like to address the section about public events where animals are used in entertainment. All my life I have been involved in rodeos and campdrafts and I still compete in them at times. My children are heavily involved in pony club and horse sports and, I might add, could hold their own with any person involved with horses. As for campdrafts, I can only say that the owners of the stock involved cannot supply cattle unless they are in good physical condition. It would be to their detriment if they did otherwise. On many occasions, campdrafts are called off due to the lack of cattle as a result of dry conditions. Farmers simply do not lend their stock when the animals are too poorly to be chased.

As for rodeos, it pleases me to see that the government has worked with and involved the Rodeo Council of Australia, because I can tell members that it really has its finger on the pulse. I competed in my first rodeo in 1972 and have done so ever since. I can assure this House that they have really cleaned up their act and the sport is at all times extremely caring of and concerned for the livestock. Any competitor who looks like he or she may cause harm to an animal is fined heavily and sometimes even banned from competing for a long time.

I have shared my points of view with the minister's advisers. I sought two briefings on this bill and I would like to advise the minister that the outcome was very positive. I thank the minister for those briefings. I ask the minister to always give me an opportunity to have input into decision making concerning rodeos and campdrafts, as I believe I have a lot to offer. There are ways around addressing issues so that we can always protect the animals in the different events.

For some time the issue of calf roping has been debated hotly. I can tell members that there is an easily found solution for problems involved with this event. I have roped calves in a number of states and a simple solution to this problem is to use a special device, which is mandatory under New South Wales law. The device is a shock absorber made out of rubber that is attached to the saddle and the rope. After the calf is caught, the impact of it hitting the end of the rope is reduced greatly. There are serious fines and immediate disqualification if a calf is jerked. I can say to this House that our animal sports are being well and truly policed. I have confidence that, if any problems arise, they can be addressed.

I would like to address the issue of who is going to police these laws. I believe that the RSPCA should be assigned to the metropolitan areas and anything outside of that should be under the control of our stock inspectors. I make this suggestion because of the disastrous way in which the RSPCA treated a dairy farmer just north of Kingaroy a few years ago. RSPCA officers came onto his property and impounded weaners. They fed them for a while, returned them and sent the farmer a massive bill for their care. The animals were completely out of their tree. I can honestly say that their actions did nothing short of spreading division between farmers and the RSPCA. Members should not get me wrong; I know that the RSPCA does a wonderful job.

Our stockies know who the ratbags are. I can assure the House that their relationships with the land-holders are so good that they have their fingers on the pulse and they know when animals are not being cared for. That enables the stock inspectors to move before an animal is in a state of bad health. After all, it is our stockies who give out permits and police the freight subsidies on droughted cattle. If there are 10 farms in an area and nine of the farmers shift their droughted cattle to an outside area, I am sure that bells would ring. Our stock inspectors can address the situation by inspecting the one farmer who is left to find out why he or she has not shifted droughted stock. They may have irrigation or a great stock of hay or something like that, but there will be an obvious reason and our stockies, who know the farmers, will be right onto it.

By using these stockies, I am sure that we can achieve a positive outcome in relation to the regulations required in the bill. However, I am sure that after hearing the speeches of members from the governing side of the House, we all know only too well that the government will surely

see fit to provide extra stock inspectors to cater for the increased workload that this bill will no doubt create.

I would also like to address the issue of steel-jawed traps. As members will know, before I was elected to parliament I was a dogger for the Wambo Shire and I know what trapping dogs is all about. If we totally ban this sort of trap, we will run into trouble. It is yet to be proved to me that other types of traps work and work well. There are ways around the use of the traps and I am sure that we can come to an agreement on their use. One simply ties a very thick piece of wire onto the jaw of the trap and files away any sharp edges on the jaw. That way, the trap will never completely shut and, with the edges filed off, the animal is comfortably held until such time as it can be put down. I might add that a decent trapper will check the traps morning and night. Another way is to place poison on a piece of rag tied to the trap. As soon as a dog is caught, it eats the poison and in a very humane and short time, the dog is deceased. There are ways to get around the problems in a true and correct and very humane way.

The last point I wish to raise relates to cat owners. I do not for one minute suggest that people should not own cats, but I believe that the full force of law should be bought down on those who let their cats out at night. Cats cause total destruction to our native birds and wildlife. I believe that someone who lets their cat out at night should be placed in the same class as someone who lets a pet starve to death. We must address this situation immediately. I commend the bill to the House.

Ms KEECH (Albert—ALP) (3.30 p.m.): In his second reading speech, Minister Palaszczuk stated that this bill, the Animal Care and Protection Bill 2001, is the most forward-thinking piece of legislation in this field in Australia. I commend those comments, because this bill deals with today's animal welfare issues in an innovative way. The key innovative aspect of this bill is the approach it takes to the care of animals. Instead of taking a negative approach and defining animal cruelty offences, this bill places a duty of care on people who are in charge of animals.

The duty of care notion of the bill covers aspects such as providing appropriate food and water, providing appropriate living conditions, treating disease and injury, and handling animals in an appropriate way. The duty of care will be endorsed by codes of practice on animal welfare for a wide range of animal uses. The codes will benchmark acceptable animal welfare standards, developed in consultation with stakeholders, including industry, veterinarians and welfare groups. They will be used by inspectors as guidelines to ascertain whether a person is fulfilling their duty of care.

Another aspect of the innovative characteristic form of the bill is the focus on education which is underpinned by legislation. I congratulate the minister's announcement that the government would assist the RSPCA in educating the community about the importance of caring for and protecting animals. Some might see this as a motherhood statement. However, given the huge number of complaints to the department's officers, it is clear that more and more education certainly needs to be included if we are to stamp out these cruel practices in the community.

The establishment of a mobile education awareness unit to tour the state will also help to educate the community. It will visit schools, tertiary industries, agricultural shows and workplaces throughout the state. I welcome the bill, since welfare issues are becoming increasingly important for the trade and marketing of livestock products, both domestically and internationally.

Many industries are already recognising the importance of animal welfare and including the animal welfare guidelines in quality assurance programs. For example, I cite the Cattle Care and Live Export Accreditation Program. Live cattle and sheep exports to Asian countries and the Middle East are a valuable contribution to the Queensland economy. However, we need to be assured that the welfare of animals is safeguarded in all stages of these processes.

The responsibility for live animal exports lies with the federal government. The Queensland government has no jurisdiction once those animals are loaded onto the ships. However, this bill will provide the appropriate animal welfare safeguards for the handling, loading, transport and unloading of animals up to the time the animals are loaded onto the ship. The bill does this by providing for the ability to adopt national codes of practice for the handling and transport of animals. I believe this flexibility is one of the strengths of the bill. Animal welfare inspectors will be able to police these standards and issue animal welfare directions or prosecute those who do not abide by the standards and unfortunately make animals suffer. These safeguards are certainly not in place under the current Animal Protection Act 1925 and are indeed one of the strengths of this new bill. Many export markets are becoming increasingly welfare conscious, and the codes of

practice allow animal industries to meet overseas market requirements with standards that are practical and achievable.

The issue of live animal exports is a contentious one. The transport of animals by sea through the tropics has many potential welfare risks. From an animal welfare perspective, it could be argued that it is more desirable to slaughter animals in Australia rather than ship out the live animals, and certainly some animal welfare groups have argued on this point. In many cases, however, markets demand live animals because they do not have the infrastructure to handle frozen or chilled meat and/or because the customers prefer local slaughter for a variety of religious or cultural reasons. In fact, over the last five years the export of live cattle and sheep has earned Australia a massive $2.5 billion.

Following earlier animal welfare problems arising out of live animal exports, the Australian Livestock Exporters Council, through its company Livecorp, has instituted a quality assurance program, the Live Export Accreditation Program, otherwise known as LEAP. All exporters must be accredited under LEAP as a condition of their export licence. By 2005, Australia will have overtaken Canada as the world's largest live cattle exporter. The Live Export Accreditation Program has supported the upgrading of facilities and procedures in destination countries for Queensland's live cattle exports. For example, in Vietnam, stock handling processes for newly arrived Queensland cattle have been upgraded to ensure that the animals' welfare is considered. In addition, in Vietnam, for the importing of live cattle from Queensland, a slaughterhouse has been upgraded to allow for the humane slaughter of cattle.

I said earlier that the issue of live animal exports is a contentious one. Queensland's live cattle export sector exported an estimated 278,552 cattle, which sold for $131.7 million in 1999-2000. This contrasts with the 3.3 million head of cattle valued at an estimated $2,060 million in 1999-2000 which were slaughtered in the Queensland processed beef industry. Therefore, it is relevant to contrast the economic contribution of the two respective sectors to regional employment and income. For the eight per cent of cattle turned off in Queensland that are exported live, their per head value increases from $396 at the farm gate to $472 at port. Contrast this to the 92 per cent of cattle slaughtered in Queensland abattoirs, where their per head value increases to a final $1,474 per head at port, which is a magnificent and considerable difference.

These figures can be explained by the fact that for those cattle exported live from Queensland most value adding occurs on farm with some additional value adding resulting from the preparation and delivery of live export cattle from the farm to the export port. All other additional activities, such as extra value on farms, lot feeding, meat processing, wholesaling and retailing, occurs in other countries. This contrasts with those animals slaughtered in Queensland. Here the significant additional value added activities occur on Queensland farms, in Queensland feedlots and in the Queensland meat processing, wholesaling and retailing sectors.

These findings of economic benefits from beef slaughtered at home in Queensland are stated in a report commissioned by the DPI titled *Economic and social/community impacts of the live cattle and processed beef export supply chains in Queensland* published in June 2001. The findings of the DPI report confirm the concerns of the Australasian Meat Employees Industrial Union. The union members consider the ongoing restructure of the meat processing sector, regional abattoir closures, loss of jobs for union members and impacts on regional communities as serious issues which need to be addressed. However, it is important that Queensland is ideally placed to take opportunities to export our live beef and sheep to developing markets. As the infrastructure is developed, I am sure the consumers of Queensland beef and mutton in these developing countries, particularly in Asian and Middle East countries, will be keen to continue to eat Queensland frozen and Queensland vacuum packed meat in later years and therefore will prove to be ready markets.

All aspects of animal use, including the livestock transport industry, will be subject to legislation. Q-Rail already has a quality control program operating. For shorter trips, accredited stockmen—and women, I hope—travel with the stock, whether it be to a slaughterhouse or to a port for live export. For longer haul to overseas markets, a veterinarian accompanies the stock, again, not only to monitor the health and welfare of the stock but also to promote the good condition of the stock at the other end. It is certainly in the interests of the shipping company and the crew that animals arrive at their destination not only alive but also free from disease. In fact, the absolute optimum goal is that animals arrive healthy and happy by actually having gained a bit of weight. The better the system of delivering live animals to overseas destinations, the more profitable it is for growers and exporters.

Mr Mulherin: A happy bull.

Ms KEECH: Absolutely, a happy bull is very important.

Mr Mulherin: And a fat bull.

Ms KEECH: And a fat bull, too. Therefore, it is in the interests of all concerned for healthy, fat animals to arrive at their destination.

The bill contributes to this goal by its code of practice at the Queensland end and through the industry accreditation programs. It is interesting to note that the Australian veterinarian association notes that during 1999 more than five million live sheep were exported and the mortality rate was just 1.34 per cent. The news is even better for cows. The death rate for cattle voyages involving over 800,000 was 0.3 per cent. We should not be complacent regarding these good results. I am sure that the bill before the House will help to improve them.

As the minister said in his second reading speech, modern and strong animal welfare legislation is a tangible means of demonstrating to the community and to trading partners that Queensland meets community and market expectations in animal welfare. I certainly commend the minister for his efforts not only in bringing this bill to fruition after a decade of development but also for his efforts in educating stakeholders about the new bill.

In commending the bill to the House and in common with the member for Darling Downs, I would also like to thank the minister's staff, in particular Michael Tandy, the minister's policy adviser, for helping with research and also Glenda Emmerson from the Queensland Parliamentary Library. Glenda and her team do an absolutely excellent job in providing research briefs for all members. I also thank the Research Publications and Resources Section of the Parliamentary Library. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (3.41 p.m.): In rising to speak to this bill I also pass on my appreciation to the minister for the opportunity to be briefed by his staff. They cleared up quite a number of issues that I was uncertain and concerned about. I value that opportunity.

A previous speaker quoted the United Kingdom's Farm Animal Welfare Council statements on the humanitarian approach to animal welfare. The five tenets were freedom from hunger and thirst by ready access to fresh water and a diet suitable for maintaining health and vigour; freedom from discomfort by providing an appropriate environment, including shelter and a resting area; freedom from pain, injury and disease by prevention and rapid diagnosis and treatment; freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animal's own kind; and freedom from fear and distress by ensuring that conditions and treatment avoid mental suffering. I am very pleased that the minister did not couch the current bill in those same terms.

Whilst I am very much an animal lover and have had animals, both large and small, for many years, if I was presented with those five tenets for caring for animals, subjective as they are and able to be interpreted in a plethora of manners, I would be very, very concerned. The first of those I will mention is for an animal to be free to express normal behaviour. We have a dog that is a dipstick, to say the least. If it was free to express its normal behaviour we would have everything that it could lay its teeth on strewn around the yard and the house. John would be more than beside himself.

Those sorts of broad motherhood statements are very poorly translated into any individual's genuine attempt to provide good housing and a good environment for an animal to live in, particularly animals that are pets. However, the objectives of the bill are listed as to promote the responsible and caring use of animals; to provide standards for the care and use of animals; to protect animals from unjustifiable, unnecessary or unreasonable pain and acts of cruelty; and to ensure that the scientific use of animals is accountable, open and responsible under a nationally accepted standard involving compliance with a code of practice. When this bill was tabled I expected to see a reasonably high level of concern expressed. I believe in great measure that, because it has not been couched in those very subjective terms, the minister has so far received cooperation in relation to this bill.

In common with other speakers, I would commend the many societies, both the RSPCA and other smaller groups, that have looked after animals and provided housing and a humane death to those that could not be relocated to new homes. Over many, many years they have worked hard, usually on a shoestring budget, to ensure that as many animals as possible were relocated and were wanted and that for those for which a home could not be found or which were injured beyond rehabilitation their last time on earth was as comfortable as possible.

A number of offences have been listed that I want to touch on. The cruelty offences that have been listed include ill treating an animal; failing to provide suitable food, shelter or drink; failing to treat an injury—and I will deal with the others later. Those first ones are very easily achieved, providing the various expectations of owners are kept in perspective. Somebody who has those little pooncey dogs—the little hairy ones that just live inside on the bed all the time—might provide fresh chicken or prime beef cuts, and for them that is suitable food. Somebody who has a working animal has to provide a high carbohydrate load for them. For them, another style of food and certainly another style of eating container is much more appropriate. I would hope that, in interpreting this new act, not only the RSPCA officers but also the DPI officers would ensure that their interpretation is appropriate and flexible.

I think that most people would have no problems with the opposition to fighting and baiting of an animal. Cockfighting is inhumane; as far as most people are concerned it is subhuman. I have seen dogs that have been blooded for pig hunting. I actually lived next door to somebody who used to pig hunt. The dog itself was fine when it was out pigging, but it was so frustrated with not getting enough work that any of their stock that got within mouth range used to cop a thrashing from this dog. It nearly killed quite a number of stock, including their goats, which had to be saved from it. The dog became a little bit indiscriminate. So the control of blooding of dogs for that purpose is certainly appropriate.

There is one issue on which I would request clarification or at least some explanation. The bill specifies that a dog that is confined for 24 hours a day has to be exercised for two hours a day. I wonder why that was drafted as specifically as that. Some animals may be confined for the whole day, but two hours exercise would just about wipe small dogs out. Large dogs that are extra active, such as cattle dogs or border collies, run around like mad hares. I do not think the owner would be able to provide two hours of exercise. They pack a lot of energy into a fairly short period. I wonder how literally that provision is going to be interpreted.

I turn now to the docking of tales and de-barking. Coming from a local government background, I know that things like de-barking—not de-clawing—are always going to be an emotive issue. Barking dogs are an endemic problem in local government. Owners who want to be responsible owners are just about beside themselves trying to stop a dog from barking. Some breeds are more prone to it than others. Some years ago up in the Calliope shire we introduced citronella collars, and they worked very effectively. I do not believe in the ones that give the dogs electric shocks. These citronella collars were very effective. The dog's actual barking caused a spray of citronella to go up the dog's nose. They apparently do not like that smell.

Mr Palaszczuk: They hate it.

Mrs LIZ CUNNINGHAM: Yes, they hate it. That was sufficient to control the dog's behaviour. Some dogs had to wear the collar for only a short period and the behaviour was controlled over a longer period. For others, the owner ended up having to actually purchase the collar and keep it on the dog permanently. However, de-barking is the only alternative in a few cases, but not many.

Mr Palaszczuk interjected.

Mrs LIZ CUNNINGHAM: I will get to that. I understand the fact that under very controlled circumstances de-barking has continued to be allowed. It would be unfortunate for it to be banned outright without any option. The necessity for it does not occur very often, but when the necessity does arise it gives relief to not only the local council and environmental health officer but also the owner and neighbours. It should be an option that is kept for those extreme situations.

I turn now to the issue of cropping. I did not think that animals in Australia could ever be cropped. We owned Dobermans years ago and they were never allowed to be cropped, but the Americans think that cropping looks good for some reason. Therefore, I was surprised to see that it is still listed in the bill, but if it were not listed some dog owners may wish to have it done because they like the look of the dogs in America when they stand to attention on guard. Most people would support the provisions in the bill relating to the administering of drugs and abandonment. A few years ago abandonment may have been an option which may not have been opposed by the community. With the number of local councils with pounds, the number of RSPCAs and similar refuges now, there are options for people to dispose of unwanted animals responsibly. It is a telling sign of human nature that every Christmas a horrendous number of small animals such as puppies, kittens and the like are purchased without the person thinking ahead that that animal will grow up. I do not understand that mentality. I would be misleading the House if I tried to say that I understood people who bought an animal but were not interested in keeping it two months later. However, the statistics show that that obviously happens a lot.

I do not have a problem with the fact that abandonment is listed, simply because that is compensated by the fact that there are so many other alternatives. It makes the disposal of litters of kittens in forest areas completely wanton because there are other options. There are still pet shops, feed barns and the like that are prepared to try to find homes for litters of kittens, dogs, et cetera. Abandonment is not something that should ever be considered as acceptable, particularly in this day and age.

The other issue I want to raise relates to the use of animals for scientific purposes. Like many members, I have children, two of whom are passionately opposed to any scientific use of animals. When I go shopping I have to buy shampoo that has 'Not tested on animals' written on it. If it is not on there they will not use it, and I stand in a daze at the supermarket looking for such products. There are amazingly few products on the shelves in the toiletry aisle which have that written on them. If members do not believe me, I say go and try to find them, because very few exist. When the minister's staff gave me a briefing on it, I was about to wax lyrical on this very issue before they told me that in Queensland no animals have been used for scientific testing for five or six years. I promptly let my children know that, but they have not let me off the hook.

I commend the minister for the constraint on animal testing. The bill does not preclude it, but it does put very tight restraints on the use of animals for testing. It is spelt out very clearly and is transparent so that those who wish to use them have to be able to document and keep good records. There are certain areas where their use is prohibited altogether, and I commend the minister for that. In our age of technology and in our age of science, there should be other ways to ensure that products proposed for human use are safe other than through animal testing.

This bill bans three offences outright: dogfighting, cockfighting and the blooding of greyhounds. Again, I believe there is broad community support for those practices being banned altogether. There is only one other issue I want to comment on, and others have commented on it, and that is the intention for the RSPCA to police this legislation and DPI stock inspectors and veterinary officers to police it in other areas. In some instances, the RSPCA has some ground to make up in respect of policing animal welfare issues. The member for Darling Downs listed one of the most public incidents where the RSPCA has been deemed to have acted inappropriately. It is seen in that instance not to have understood the husbandry of animals, but I do not know the details of that. However, there is concern amongst country people, particularly those with large livestock, that officers based in the city who are used to dealing with small domestic animals will take their responsibilities under this act too far and transpose conditions that may be acceptable and achievable with one or two animals to intensive livestock husbandry. It is appropriate that DPI stock inspectors and veterinary officers take on that responsibility, and that is contained in the bill.

Like other members of this chamber, I look forward to the time when access to a DPI stock inspector is more readily available. We have had a reduction in the number of DPI inspectors available in our locality. It would be fortuitous and, more than that, important that the number of stock inspectors increases in the short term rather than the long term. I again commend the minister for this bill. I thank him for the opportunity he gave me to understand it more clearly. I look forward to its passage.

Mr MULHERIN (Mackay—ALP) (3.55 p.m.): It is a pleasure to rise to speak in support of the Animal Care and Protection Bill 2001. This legislation has taken 17 years to get to the floor of the parliament and finally brings the legislation up to date with community expectations about the treatment of animals. It provides sensible and workable guidelines for the community and for the industries that use animals. The bill makes Queensland a leader in animal welfare legislation. It is flexible, innovative and has a commonsense approach to the complex and emotive issue that is animal welfare. The relationship between humans and animals has varied significantly over the centuries. Several early civilisations viewed animals as sacred. In Ancient Egypt animals such as cats, crocodiles and even vultures were treated with great honour after death. In the two centuries before the birth of Christ, the gladiatorial contests of Ancient Rome were at their height of popularity. Lions, elephants and ostriches were slaughtered en masse for entertainment.

The modern movement for the protection of animals began in the 16th century. However, the real change in attitude towards animals came at the beginning of the 1800s. There was a growth of commercial enterprise that in turn fostered a notion of ethics and humanity. Animal welfare became bound up in the philanthropic movement of 19th century Britain. The culmination of the debate about animal welfare was the passing of prevention of animal cruelty legislation in 1822 in Britain. The Ill-Treatment of Cattle Act 1822, which outlawed cruelty to cattle, horses and sheep was the world's first-ever anti-cruelty law. It was commonly known as the Martin act after its sponsor Richard Martin, MP of Galway.

The SPCA, the Society for the Prevention of Cruelty to Animals, was formed two years later in 1824 in England after receiving the backing of four members of parliament. The SPCA's mission was to administer and enforce the provisions of the act. During its first year, the society achieved 149 convictions on charges of cruelty to animals. Queen Victoria later bestowed the 'Royal' title on the SPCA. The society was able to improve its powers and extended the provisions of the act to widen the definition of cruelty to include all animals. It also gained increased powers of investigation and prosecution, which the RSPCA retains today.

Countries around the globe quickly embraced the ideals of the RSPCA, and soon animal welfare societies with similar intentions began to emerge. The RSPCA was established in Australia—in Melbourne—in 1871 and in Brisbane in 1876. Initially the Queensland society did not receive enough financial support and closed, only to be re-established in 1883.

Interestingly, the society in Australia eventually dropped the word 'animals' from its title due to the fact that it also became heavily involved in the welfare of children. In fact, in the 1890s and the early part of the 1900s, the Queensland RSPCA was the sole agency in this state responsible for protecting children from physical and moral ill-treatment. The first Queensland Children's Protection Act became law in 1896-97 mainly due to the efforts of the society, which prepared the bill. The society continued to be involved in child welfare until the 1970s, when it reverted to being solely involved with the care and protection of animals.

Not surprisingly, the RSPCA was also responsible in most part for the introduction of the first Animals Protection Bill in Queensland in 1905. The bill was put forward with the recommendation of the secretary of the Society for the Prevention of Cruelty to Animals because the society wanted more authority to perform its duties. The bill was based on a similar bill that was drafted in Victoria in 1904 and aimed to bring Queensland's law into harmony with the acts in other states.

Despite some strange discussion in the second reading speech over the definition of an animal in which the then member for Leichhardt, Mr Hardacre, stated that it was well known that a whale was an animal but a shark was not, the general consensus was that a bill to protect animals was a necessary and humane measure.

Mrs Lavarch: He missed the lesson about mammals.

Mr MULHERIN: He did not go to school for all that long.

The second Queensland Animals Protection Bill was introduced to parliament in 1925 and is the legislation that continues to govern Queensland. The bill was once again called for by the Royal Society for the Prevention of Cruelty to Animals, which was again asking for more powers to carry out its work. The society at that time had expanded to approximately 14,000 members and nearly 25,000 annual subscribers.

The 1925 bill improved on the 1901 bill in several ways. It provided power of entry to RSPCA officers and honorary inspectors to gather information to secure a conviction or to stop an act of cruelty. It placed more responsibility on the owner of an animal whose employee was overworking or mistreating an animal and it gave RSPCA officers the right to destroy an animal whose condition due to mistreatment warranted such a measure. The bill improved on its predecessor and provided the RSPCA with increased powers. However, societal values have changed dramatically since the 1925 bill's inception, as has the knowledge we possess about animal welfare. The Animal Care and Protection Bill 2001 is long overdue. The RSPCA, which has been the driving force behind implementation of the two previous bills, has encouraged and endorsed the new legislation.

As the Hon. Henry Palaszczuk has already stated, the Animals Protection Act 1925 in reality did very little to protect animals. It only deals with punishing people for cruelty after the event. Despite the dedication of the RSPCA and other honorary inspectors, the old bill was limited in its scope and its potential to incorporate the advances in our understanding of animals and their welfare needs. The new bill not only embraces innovation; it has a strong emphasis on education. The legislation relating to the protection of animals will no longer be reactive but proactive and flexible.

The bill recognises the need to promote community and industry awareness and education on the responsible care and use of animals. Aiding this is the availability to inspectors of animal welfare directions, which allow inspectors to prompt members of community and industry to amend breaches of duty of care rather than fine them instantly. Breaches of duty of care may be inadvertent, and rather than punish people outright the animal welfare directions can be used to improve people's understanding of their responsibilities under the act. This feature makes Queensland a leader in the area of animal welfare.

Duty of care is a mainstay of the bill. Clear, enforceable definitions of the requirements for people who own or use animals are established. The clarity that this act offers all people who interact with animals is one of the most admirable aspects of the legislation. Breach of duty of care is an offence under the legislation and there is also a basic offence of cruelty, with numerous examples of what actually constitutes cruelty. The penalties for offences under the act have been increased significantly. Penalties now reflect the seriousness of the neglect and mistreatment of animals, with maximum fines of $75,000 for individuals and $375,000 for corporations.

Enforcement is also an area in which the 2001 bill improves on the old legislation. Up to now, the RSPCA has been the key enforcer of the Animal Protection Act 1925. The RSPCA Queensland inspectorate consists of 15 inspectors who in 1999 and 2000 investigated 9,411 complaints of alleged cruelty and brought a record number of 70 prosecutions before the Queensland courts.

There can be no doubting the society's significant contribution and dedication to the welfare of animals. There are, however, underlying problems with the current system. These problems have existed since the beginning of the development of animal protection legislation. During the second reading speech on the Animal Protection Bill 1901 the Hon. W.F. Taylor said of the bill—

> No doubt a bill of this sort is very necessary, but we must be careful not to give power to people who may not be able to use it properly ... We ought not to be carried away by sentiment altogether, but look at the matter from a common-sense point of view as well.

The members for Gladstone and Southern Downs addressed that point also.

Although they perform a valuable service, RSPCA officers are not bound by the usual accountabilities that bind government officers. The Minister for Primary Industries has put in place reasonable levels of accountability requirements for non-government inspectors. This new bill will increase the involvement of the government in the administration of the act. DPI officers will perform similar duties as will RSPCA officers. The DPI and RSPCA are now developing a memorandum of understanding which sets out how they will work together to effectively protect animals in Queensland. I commend the minister's stipulation that all inspectors—government and private—will have to meet training standards set by the director-general of the DPI. The new bill is attuned to community expectations that those enforcing legislation should also be answerable for their actions.

Honorary inspectors have been abolished, but there is a provision for agencies other than the RSPCA to supply inspectors. I feel that this is an especially important aspect of the bill. The Mackay district enjoys the services of both the RSPCA and a separate organisation, the Mackay SPCA. The Mackay SPCA has been in operation for over 40 years and provides an animal shelter for sick or injured animals. The Mackay SPCA has also carried out cruelty investigations in the Mackay area. This was achieved by honorary inspectors and in more recent years by experienced SPCA staff with the help of others including cattlemen, farmers and wildlife experts in conjunction with the police. Cruelty complaints are attended to immediately, as the SPCA staff and the unique 'animal ambulance' are on duty 24 hours a day, 365 days a year.

The Mackay society is ably led by a former member for Dawson, a Labor government minister, Dr Rex Patterson. I place on record my support for the work performed by Dr Patterson and the Mackay SPCA staff and volunteers. The continuation of their funding from the DPI has recently been placed in doubt. However, the Minister for Primary Industries has assured me that the SPCA and like bodies will continue to receive financial support.

Dr Patterson and other SPCA volunteers are staunch advocates for animal welfare and have first-hand experience of rescuing animals from situations of cruelty. Dr Patterson has raised many issues with me regarding the new legislation, which I have in turn raised with the Minister for Primary Industries and his staff member Mr Michael Tandy.

Dr Patterson believes that the most important thing to address as far as legislation is concerned is the practical and administrative implementation of the legislation. He says that we need to achieve efficiency in both investigations of cruelty and any consequential action without delay. His concerns in this area relate to a lack of inspectors, a lack of comprehensive availability of inspectors and a lack of communication between all relevant groups. I acknowledge that a memorandum is being formulated to establish the working relationship between the DPI and RSPCA, but on behalf of Dr Patterson I ask the Minister for Primary Industries to explain the current status of the memorandum and to provide details of what it will contain and how it will function to improve the administrative problems.

Dr Patterson is troubled by the fact that only a handful of RSPCA inspectors are in charge of the vast area of Queensland outside of Brisbane. One inspector is responsible for an area of approximately 500 kilometres by 200 kilometres. Despite the excellent work of the RSPCA inspectors, they are only human and often cannot efficiently deal with the large number of cruelty cases. He believes that the police need to take a more active role in dealing with cases that occur out of business hours.

In Dr Patterson's experience, police officers who may be trained to handle animal welfare problems usually give priority to other cases. Dr Patterson has been called upon by Mackay police to take action in cruelty cases on their behalf when they are unavailable. Just recently Dr Patterson was called upon to save a dog which had been left to drown, bound and deserted on a rock at a Mackay beach as the tide came in. The RSPCA inspector was unable to be contacted by distressed bystanders, who then contacted the police. The police where unable to attend and called Dr Patterson to help.

Although the Animal Care and Protection Bill is not concerned with animal control, Dr Patterson also believes that sometimes cruelty cases overlap into the animal control area. He cites as an example the case of a bitch on heat that was being harassed by up to seven neighbourhood dogs. Not only was the bitch distressed and facing possible injury, one dog hanged himself on the fence trying reach her. The de-sexing of pets and the issue of stray neighbourhood dogs clearly relates to animal control, but it is easy to see that animal care and protection are also involved. That is a very valid point.

It is particularly interesting to note that many of the concerns raised by Dr Patterson were raised previously by the member for Murilla, Mr Morgan, during discussion of the 1925 Animals Protection Bill. In particular, Mr Morgan argued for the need for proper administration of the act and extensive involvement of the police and other government officials to assist the society and other voluntary bodies in making sure that cruelty cases are responded to quickly. The need for the new Animal Care and Protection Bill is clearly evident when the problems from 1925 are shown to be continuing today. I am confident, having heard the minister's response to the Mackay SPCA concerns, that the current bill will finally address the important issues relating to the care and protection of animals.

Currently, under the Police Powers and Responsibilities Act, the police have powers to enforce any Queensland act. The Minister for Primary industries has given his assurance that, once the new bill is enacted, there will be concurrent amendments to the Police Powers and Responsibilities Act 2000 to allow police officers to issue animal welfare directions and to provide relief to animals that are suffering. This means that police will fully function in the same capacity as inspectors under the bill without having to be mentioned in the bill. The minister has also stated that the DPI is entering into discussions with the Queensland Police Service on enforcement of the bill and will be working with them to develop a training module for police officers. This will better equip police to enforce the new legislation.

As I mentioned earlier, a memorandum of understanding is also being developed between the RSPCA and the DPI, and trusting that the memorandum is fully comprehensive the communication between all relevant groups is set to be more organised and cohesive than ever before. The DPI is also working with the RSPCA and the police to better manage out-of-hours complaints. Given the size of Queensland and the location of RSPCA and DPI inspectors, the police will have a crucial role in the enforcement of the bill both out of office hours and in the centres where there is no DPI or RSPCA presence. We can be thankful also that organisations such as Mackay SPCA will continue to volunteer their time and effort. The quality of the services they provide to the Mackay community and the level of commitment to the animal welfare cause is second to none.

Although Dr Patterson may not be completely appeased by the new bill, I must commend the minister for compiling legislation which, on the whole, is as comprehensive, flexible, sensible and advanced as possible. I share the minister's confidence that the new animal welfare legislation, together with the additional resources of DPI officers to enforce it and promote animal welfare, will in time make a real difference.

The issue of animal care and protection has always been difficult due to its emotive nature. Debate has also been hampered by the problems of an unclear definition of what constitutes animal welfare and the difficulties with effectively identifying and punishing cases of neglect and cruelty. The difficulties have continued to the present day. Fortunately, the Animal Care and Protection Bill 2001 has finally addressed the complex issue. It introduces reasonable standards and definitions, allows for change and education and covers everybody who deals with animals. It

is the most advanced animal welfare legislation in Australia, and I congratulate the Minister for Primary Industries, the Honourable Henry Palaszczuk, on his work to bring Queensland to the forefront of this important matter. I commend the bill to the House.

Mrs PRATT (Nanango—Ind) (4.14 p.m.): Having read this Animal Care and Protection Bill, I can only conclude that it would be our philosophical view as to where we fit into the scheme of the universe which would have anyone not recognising the true intent of the bill. The vast majority of us value our animals and take seriously our responsibilities in providing them with the care for which they rely on us. Unfortunately, as in all aspects of life, there are those who either do not recognise cruelty or are insensitive to it.

My major concerns in reading the bill were that rural Queenslanders would be negatively affected by this bill and the possibility of incurring greater costs in adhering to the bill. As has been expressed by other speakers in this House, many of these concerns have been addressed, and a realistic approach to handling all situations between all parties is a must. Those who do abuse their livestock are a rarity, and I think all members of this House would agree that most rural producers know the value of their animals and are often accused by their family members of caring for their stock more than they do the family itself.

The situation concerning droughts has been addressed by other members, and I will not go over that again except to say that such times are extremely painful and difficult for animal and man alike, and I trust that the seriousness of those times will be viewed with compassion. It is a time when governments are called on to help in various ways, and recognising these conditions early enough will aid in minimising sometimes tragic results. I ask the minister not to be too slow in implementation measures to alleviate these situations.

Many people who find themselves wanting to experience the rural existence are often unaware as to the true holding capacity of a small rural five-acre block and they overstock their small blocks alarmingly. This can often bring animal welfare organisers knocking on their door. There needs to be a certain amount of education for people from urban areas who wish this rural experience when stocking these very small areas. I often find it interesting that we find it acceptable to mutilate ourselves in various ways, and not only say it is our right to do so but we all abhor cruelty to animals. I often wonder why we cannot respect and value ourselves as much.

I have found no mention made of people breeding genetic defects in animals in the hope that these animals would be more appealing in some way—cuter in some way. I would have thought for some animals this is a cruelty in itself. Unfortunately, the RSPCA is the recipient of many an unwanted gift and often receives the poor animals whose owners find that these animals become an obstacle to their living their lives. Too many people do not realise that animals are a lot of work, and they should be adequately briefed before they are allowed to own a pet.

My experience is that most people love and respect the rights of animals and birds to live and appreciate all that they have to offer us in beauty and companionship. My husband and I are often called on by the RSPCA to care for carnivorous birds, not only to nurse them back to health but to release them back into the wild. The increasing call on our time reflects the growing concern of people in general for all animals and birds.

One of my major bones of contention is the feral cat and cats that are allowed to roam at night. Owners of these should ensure that their pets are controlled, as the damage they do can be laid fairly and squarely at the feet of these irresponsible owners. Animal control and animal care and protection go hand in hand, as mentioned by the member for Mackay.

A further concern for me was the effect of many fundraising events and how this legislation would affect them. Often the sole function for very small communities is the one and only annual rodeo. I believe the member for Darling Downs covered this adequately, and I will not repeat the many issues he brought up. But I agree with what he said. There are various arguments that he put forward that could alleviate many of the real or perceived cruelties. The member also addressed the issues of dingoes and domestic dogs gone wild. To see these animals tearing the throats out of sheep and mauling calves and other livestock is horrific, and controls should not be minimised where these animals are concerned. They should be more humane, but not minimised.

Again, in all aspects of animal welfare, it is necessary to evaluate all forms of control, transportation and living conditions. I found the intent of this bill easy to support, but ask the minister to be careful when condemning rural practices of any sort that are sometimes misunderstood by urban communities. I often equate the lack of understanding between these

two very different lifestyles with a person who watches professional wrestling for the first time; it can look really painful, but on closer inspection it is found in most cases not to be so.

There have been some very negative incidents involving the RSPCA. The member for Darling Downs mentioned one very widely known event that occurred in my electorate. But it is not an isolated one. I have had various concerns brought to my office relating to what is often described as a victimisation of a particular individual. I ask that care be taken that all actions by the enforcers of this bill, the RSPCA, be real and not perceived. Their accountability in these cases is essential. I support this bill.

Mr PITT (Mulgrave—ALP) (4.20 p.m.): The relationship between humans and domesticated animals spans thousands of years of human existence. However, this relationship, has been marred by examples of gross insensitivity and indefensible cruelty by people who have had the lives of animals entrusted to their care. The bill before the House reverses a major failing of the legislation that it replaces. Instead of attempting to quantify acts of cruelty, as has been the case previously, it places an onus of care and protection on owners of animals and on those responsible for their wellbeing.

The existing act was passed in 1925 with a number of amendments enacted over a period up to 1991, the last time it was placed under parliamentary scrutiny. This bill is recognition that community standards have changed for the better. The 1925 legislation places great emphasis on the punishment of those in breach. It did nothing of any consequence to prevent cruelty by clearly articulating the responsibilities that humans have towards animals in their care or, indeed, towards animals generally.

The Animal Care and Protection Bill 2001 balances the needs of animals and the necessity for humans to legitimately exploit them as pets, companions, sources of food, and a range of by-products. The bill covers international standards that dictate that animal products be free from contamination, be developed in an environmentally responsible way, and devoid of practices detrimental to the safety and wellbeing of the animals involved.

The penalties imposed by this proposed legislation are substantial and serve not only as an appropriate punishment for those guilty of an offence but also as a deterrent to others. These measures have the full support of the RSPCA. Such penalties as cruelty to animals attracts a $7,500 fine and/or two years in jail. A breach of duty of care attracts a $22,500 fine and/or one year in jail. Unreasonable abandonment or release attracts a $22,500 fine and/or one year in jail. Participation in prohibited events such as despicable dogfighting, cockfighting, or coursing attracts a $22,500 fine and/or one year in jail. Attending a prohibited event attracts a $11,250 fine and/or one year in jail. Dog tail docking or ear cropping without a veterinarian attracts a fine of $7,500.

To back up these penalties enforcement mechanisms, the bill gives inspectors the power of timely and early intervention in matters of cruelty. The inspectors are empowered to issue written orders to effect improvement to animal management practices when it becomes obvious that shortcomings are evident. Ignoring such an order could result in a $7,500 fine or one year in jail. Obstructing an inspector in the course of his or her duty attracts a fine of up to $37,500.

The bill provides for the state's 120 DPI stock inspectors to also become animal welfare inspectors. A significant advance in this bill is the more inclusive definitions of an animal. For the purposes of the legislation, the term 'animal' applies to all vertebrates except human beings. For the first time it includes fish. It also makes way for inclusion at some future point in time of certain invertebrates such as octopi, squid, crabs, crayfish, lobsters and prawns. In addition, the bill outlines an extensive range of animal uses. It includes the use of animals as pets, for recreation, for the control of pests, in entertainment, for work, as livestock and in scientific experimentation.

The community demands that our behaviour towards animals be one of compassion and one that adopts the highest standards of responsibility. It also believes that all of society be subject to those standards. The previous legislation was silent in respect to the position of the Crown. This bill addresses that point by binding the Crown to its provisions.

The basic freedoms deemed necessary to ensure the welfare of animals are freedom from hunger and thirst by ready access to fresh water and a diet suitable to maintain full health and vigour; freedom from discomfort by providing an appropriate environment, including shelter and a resting place; freedom from pain, injury and disease by prevention and rapid diagnosis and treatment; freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animal's own kind; and freedom from fear and distress by ensuring that conditions and treatment avoid mental suffering. Those freedoms were established nearly 20

years ago in the United Kingdom and provide useful points of reference for ourselves as we legislate to modernise our approach to animal welfare.

As I indicated previously, the DPI, through its stock inspectors, will be involved in the enforcement of the legislation. However, the bulk of the workload will continue to fall on the RSPCA. They will also be supported by officers of the Queensland Police Service, who can respond to animal welfare complaints under the Police Powers and Responsibilities Act 2000. Provision is also made for other government and animal welfare agencies to be appointed as inspectors should the need arise. Of course, these appointments will be made only after they satisfy stringent requirements related to accountability and training.

I wish to canvass for a moment the marvellous contribution to animal welfare made by the RSPCA. Quite frankly, the RSPCA has done it tough. For a long time it has battled to bring individuals who exhibit unsavoury animal welfare practices to justice. In that regard it has been hampered by less than satisfactory legislation. Given the difficulty in obtaining prosecutions and the woefully inadequate penalties available to the courts, no wonder RSPCA officers and the community in general have expressed their concern. In 1999-2000 RSPCA Australia received 138,607 animals, including 67,204 dogs and 50,485 cats. As well as receiving large numbers of dogs and cats, the RSPCA took in 220,918 other animals, including horses, livestock and wildlife such as bandicoots, echidnas, blue-tongue lizards, sea lions, ferrets, and native birds. In the same period, 1999-2000, the RSPCA Queensland inspectorate responded to 9,411 complaints of alleged cruelty, an increase of 506 cases on the number the previous year. In addition, they placed a record number of 70 prosecutions before the Queensland courts. The courts imposed fines of almost $33,000 and awarded costs of more than $40,000 against defendants. The RSPCA claims the cost of investigating animal cruelty is over $1 million annually.

However, some advances are being made. Recently the Queensland branch of the RSPCA achieved two precedent setting victories. The first was a conviction for dogfighting, the first in Queensland's history. In addition, the Court of Appeal upheld a conviction against Afro-Ostrich Farms in relation to providing food and shelter to livestock animals, establishing a legal standard for animal husbandry. The difficulty that the RSPCA has in bringing prosecutions is demonstrated by the prosecution list for February to May 2001, which shows that the largest fine imposed was only $1,000, with the average being $600. In most cases, the costs awarded were less than $500. However, I note that two prosecutions involved the awarding of costs of around $10,000.

This bill, when passed into legislation, will bring those penalties up to a suitable and acceptable standard to most people in our community. It will provide better powers and better outcomes for those entrusted with the enforcement provisions that are designed to protect the welfare of animals. As a society, we owe the RSPCA and like organisations a great debt of gratitude.

I am on record as having voiced concerns at the growing trend to delegate powers to persons other than police to enter private property to search and seize documents and possessions. I am sure that this concern is shared by many of my constituents. However, I understand that in a complex modern society it is impossible to expect our hardworking Police Service to enforce the myriad legislation and regulations that have evolved to meet varied needs. Having said that, I believe that few people in our community would not accede to the need for inspectors to intervene on behalf of animals subject to cruelty and deprivation.

Under the legislation, officers can enter into any place to inspect an animal and its accommodation to determine if provisions of the act have been contravened. They need that power. Officers may seize animals or possessions involved in contravention of the act and retain as evidence until court proceedings. The court can order the offender to pay a reasonable cost for keeping the animal during this period. Any animals or possessions seized under the act are forfeited to the state and disposed of as the minister directs. Compensation is not available in those circumstances.

Injured or disabled animals can be removed from public places at the cost of the owner. Debts incurred by officers enforcing those provisions are recoverable from the owner as a civil debt. A justice of the peace can authorise in writing the killing of an animal that ought to be destroyed due to its weak, disabled or diseased state with no compensation recoverable. Private citizens can provide confined animals with food and water, with reasonable costs again recoverable from the owner.

The act allows officers to demand the name and address of people suspected of committing an offence. Officers of a court can prohibit the use of an animal considered unfit for work for up to

21 days. All of these procedures are quite strenuous in their application. I suggest that very few people in our society would argue against giving officers the powers to carry out those particular acts. In my view, those powers are absolutely necessary to ensure animals—which are incapable of speaking for themselves—are afforded society's protection.

I am delighted to have had the opportunity to contribute to the debate on the Animal Care and Protection Bill 2001. I support the bill and I commend it to the House.

Ms LEE LONG (Tablelands—ONP) (4.31 p.m.): I rise to speak on the Animal Care and Protection Bill 2001. I do not believe that there would be a member of this House who has not had a great deal to do with animals, whether they be farm animals or pets. In 2001 we do not use animals for work purposes as they were used in 1925, but I note that nine amendments have been made to the bill since then.

Animals have always played a very important role in our society. Domestic animals usually become part of the family. Commercial animals are well looked after, because if they are not looked after one does not get a return on one's investment. It is as simple as that.

I am sure that we would all agree that the role the RSPCA has played has been a very important one. Now it seems that the government is beginning to take over the role and broaden the base and the powers associated with it. The Department of Primary Industries will initially provide an additional 120 inspectors and there is provision for other agencies to supply more to increase the numbers on the ground if and when necessary.

Like the member for Mulgrave, I am concerned about the enormous powers conferred on inspectors and authorised officers to enter property. Once entry is effected, they will have wide-ranging powers to obtain information and documentation. This is of great concern to the privacy of ordinary householders and owners of commercial businesses. Those powers will extend well beyond situations where the occupier consents or where a warrant has been obtained and can be used where an inspector 'reasonably suspects' a search is warranted.

Recently I have received a number of complaints about standover and arrogant tactics used by some inspectors from the Environmental Protection Agency, the Queensland Parks and Wildlife Service and the stock squad. The concern is that we may get the wrong types of people in those kinds of jobs. Fresh in our minds is the controversy over a kangaroo which was taken from a family in south-east Queensland recently and the resultant untimely death of the roo soon after. I note that the minister assures us that all inspectors—government or private—will have to meet strict training standards.

Also of concern is clause 12(1)(c) of the bill, which extends the meaning of 'persons in charge of an animal'. This is where an employer is aware that an employee is using the employee's own animals to carry out work for the employer. The employer is responsible for the treatment of those animals. For example, a property owner employing a contractor who uses working dogs and horses for mustering cattle is responsible for the treatment of those dogs and horses. I believe that this is too great a responsibility for the employer, that is, the property owner, and is most unjust.

It is interesting to note that 9,411 complaints of alleged cruelty were made in Queensland in 1999-2000, but of these only 70 prosecutions were made. That is less than one per cent. This is a very small number and indicates the number of false alarms that are reported. Those false alarms still have to be investigated and investigations are time consuming and cost money. Too often complaints are made for malicious reasons; for example, by an aggrieved employee, a person with whom one has had a disagreement, or maybe there has been a marriage breakdown and someone makes a complaint just to cause a mischief. Therefore, the role to be played by inspectors and authorised officers is a very specialised one indeed, as great anxiety can be caused to innocent people if they are wrongly accused.

Another area of concern is the huge increase in penalty levels. For individuals, the maximum was increased to $75,000 or two years imprisonment. There has been a fifty-fold increase. Maximum fines have now increased 2,400 per cent for individuals and prison sentences are also substantially increased.

I also note that the Queensland branch of the Australian Veterinary Association is concerned with the nature of the definitions in clause 18(2), which defines 'animal cruelty' as being somewhat subjective. This could make it difficult for its officers if they are required to give evidence in court. They also have concerns that a decision to destroy an animal does not require a veterinary diagnosis. Organised blood sports, such as dog, cock and bull fighting are certainly repulsive to most people. I agree with the banning of those activities. We all know there can be many

variations in what can be called cruelty and neglect. One person's idea can be vastly different from another's definition of the same. This is very often the case with city people versus the country people.

In conclusion, there are always a few rotten eggs who make it bad for the rest. We have to be careful that we weigh up the real benefits and costs so that we do not burden the majority of law-abiding citizens with added costs and inconvenience to catch a few.

Ms MALE (Glass House—ALP) (4.37 p.m.): It is a great pleasure and honour to rise and speak in support of this very detailed and important piece of legislation. To say that this bill has been long overdue and long in the making would be the understatement of the century. Perhaps the only other piece of legislation that has been more widely discussed, consulted and redrafted has been the Police Powers and Responsibilities Act. This points more to the contentious nature of this particular bill and the far-reaching scope of its own powers and responsibilities than any other reasons.

As a parliamentarian, I am disappointed that it has taken this long to bring the bill to this stage and even more disappointed that no substantial reform has been made to a 76-year-old piece of legislation until now. Animal care and protection must be the most neglected area of legislative reform in Queensland. A lot of that has to do with the fact that the National Party and the coalition was in power for 34 years of the past 44 years. If we were expecting the National Party to reform animal protection laws, we would probably be waiting for another 76 years. The lack of action from the National Party was most likely due to an inherent fear that any changes to animal protection laws would upset its so-called core constituency, that is, farmers and graziers.

When reform of animal protection laws was first mooted about 10 years ago, it did raise some angst in the rural sector which stymied development of the reforms. Much of the opposition to reform back then was unwarranted. The opposition focused on the over-the-top claims that any changes to the current animal protection laws would prevent farmers and graziers from operating their farms properly. That was never the intention of the reforms; nonetheless, those views became widespread due mainly to National Party scaremongering.

On the other side of the fence, there are the animal liberationists who felt the reforms did not go far enough, and some probably feel the same now. The views expressed were not as extreme as those expressed by their counterparts in Europe, but they were still miles apart from the convictions held by primary producers. When one throws in the fact that these laws also affect areas such as the fishing industry, research and development, circuses, breeders, hobbyists and pet owners, we have a melting pot of competing concerns that could have turned into open warfare.

Therefore, it is a credit to Minister Palaszczuk, his staff and the Department of Primary Industries that they have widespread support from all of these competing lobby groups. It is no mean feat when we look at the complexity of the laws we are dealing with and the diverse views held in the community. The minister has obviously used his renowned calming influence to bring consensus and harmony to what could have been warring factions. Perhaps Minister Palaszczuk would like to pass on his secret of success to Santo Santoro and Bob Tucker before the various factions in the Queensland Liberal Party tear themselves to shreds like wild animals. Then again, maybe not. We would miss the entertainment and the *Courier-Mail* would have nothing to fill its news pages and gossip columns with.

Minister Palaszczuk has even gained the support of members of the National Party for this piece of legislation and it is a credit to them that they have put aside their rhetoric and decided to vote for these much-needed reforms. Over the course of the widespread consultation, there were some justified concerns from various lobby groups and those concerns have been taken on board and fears have been allayed.

The Animal Care and Protection Bill is a very balanced piece of legislation. It has taken into account the competing interests of the various stakeholders and reached a consensus, and the main beneficiaries are, of course, the animals. It is fair and even-handed, but tough where it has to be. Most of all, the Animal Care and Protection Bill is proactive. Unlike the current legislation, which requires an act of cruelty before it is enforceable, the proposed laws have enough scope to be able to prevent cruelty or mistreatment of animals.

In many cases of animal cruelty which have come to light recently, the animals have had shortened life spans and in some extreme cases have had to be put down. Anything that can prevent or minimise these cases should be supported by both sides of the House. By substantially increasing the penalties for animal cruelty, the state government is sending a strong

message to the wider community and our trading partners that we will not stand for any form of animal mistreatment.

It has been challenging trying to keep laws balanced and make the penalties sufficient to deter people from mistreating animals. It has also been challenging to strike the middle ground in the opposing views of the city and the country. As someone who grew up on a farm, I know some city dwellers may see some farm practices as cruel and inhumane without understanding the justification or need to do them for the welfare of the animals concerned.

Up until a few years ago, my family was mainly concerned with egg production and looked after battery hens. It was to my family's advantage to keep the hens well fed, watered, healthy and comfortable to maximise egg production. I believe the member for Toowoomba North has adequately covered the myths and misconceptions surrounding battery hens, but I will add that there was nothing to gain by mistreating these hens. In fact, it would have been counterproductive and expensive. It may surprise some of our grazier colleagues that, compared with other animals, poultry are relatively difficult to manage properly. They suffer tremendously from stress and changes in temperature, especially hot weather. Keeping chickens comfortable and at their maximum egg-laying capacity is a full-time, around-the-clock job. If we do not do that our farm income suffers as much as our livestock suffers.

At one of the country markets in my electorate recently, I tried to explain this to a Victorian couple who had just moved to the Sunshine Coast. Being city folk, they were vehemently opposed to the use of battery hens. However, they had no qualms at all about keeping large working dogs like blue heelers, wolfhounds and border collies on their small suburban block, and often those dogs were by themselves, which I find particularly cruel. Unless we are prepared to exercise these types of dogs constantly and act as a companion for them, we are neglecting the animals' needs and are being cruel. No wonder the larger dogs become bored, turn into chronic barkers or, even worse, become vicious and unmanageable.

Obviously, education is an element which needs to be taken into consideration when dealing with city versus country in respect of the treatment of animals. To illustrate the point—and I digress slightly here—I will briefly recount a story of how my husband, who was a bit of a city boy, thought he could score some major points with my dad by offering to help out on the farm. Dad was just saying how he would need some help vaccinating the chickens, because his hands were too shaky to hold the chicken still. So Bill volunteered his services. I know it was a bit mean, but instead of explaining that we vaccinate chickens by putting a drop of vaccine in the chicken's eye, I told him that we did it from the other end. The next day, it was absolutely priceless to hear Bill asking Dad whether he was holding open the chicken's legs or sticking the dropper into the chicken's backside. However, that illustrates the point quite clearly that, if we do not actually have anything to do with modern farming practices, we can easily have misconceptions about appropriate treatments.

Some of the mistreatment of animals I have witnessed on suburban streets leaves any treatment of farm animals for dead. Thankfully, this bill is equally tough on the mistreatment of pets as it is on cruelty to farm animals. One of the worst cases of animal cruelty we see far too regularly is the abandonment of pets. How people expect a domestic animal which has relied on people for its every daily need to survive by itself is totally beyond me.

The specific provision that makes the dumping of pets an offence is a good one in this bill and will make people think twice before they abandon their pets. On the other side of the coin, there are those people who accumulate pet after pet but cannot adequately look after them. We have seen the television reports of RSPCA raids on people's properties where they have kept a vast array of pets in appalling conditions. But under the current legislation there is nothing to stop these people, even after they have been prosecuted for mistreating animals, from accumulating another menagerie of mangy cats, dogs, donkeys, horses and cows. And the whole process starts again. Under this bill, the courts have the discretion to deprive these types of people from the right to own pets or animals. It is a sensible step against these repeat offenders who profess a great love of animals but just cannot seem to demonstrate it.

We have experienced an enormous change in community attitudes and beliefs on animal welfare issues since the current laws were drafted. The Animal Care and Protection Bill reflects that change and covers emerging areas of scientific research such as the biotechnology field. I have a large number of constituents who are concerned about the advances in biotechnology. Most of those concerns relate to the health aspects of biotechnology but a few relate to the treatment of animals in the research and development phase of biotechnology. This bill provides the necessary checks and balances to allay those fears. Just as importantly, it has enough

flexibility to cover any emerging issues in biotechnology and other scientific fields of research. We will not have to come back to the House with amendments every time a scientific breakthrough or a new research technique involving animals is devised.

For the advice of our One Nation members so they do not get too agitated, I will give them forewarning that I am about to use the 'g' word—global. Animal welfare is now a global issue. It has almost as big an impact on our trade fortunes as do poor industrial relations laws and environmental regulations. If we do not have comparable animal welfare laws, Queensland will increasingly be viewed in a poor light by our trading partners. If we do not change our laws, it will be used as a convenient excuse to deny trade or as a bargaining chip to help screw down prices on our primary resources. This bill before us meets those demands and more. These proposed laws are progressive and ensure that we can continue to improve our trading position by emphasising the unique, disease-free qualities of our primary produce.

I am particularly pleased to see one section in this bill, and that section refers to circuses. The history of animal circuses is very chequered and marginal when it comes to animal welfare. It is therefore pleasing to see that the Circus Federation of Australasia has been involved in the development of and supports the Queensland Code of Practice for the Welfare of Animals in Circuses. The fact that the federation also requested the mandatory compliance with this code is very important, as is the use of constant monitoring of circuses by authorised officers. This negotiated outcome highlights the balanced, comprehensive nature of this bill and should allay community concerns regarding circuses.

One element of the bill which has attracted some controversy has been the powers given to inspectors for entry onto properties without a warrant. I think the reasons outlined in the explanatory notes accompanying the bill more than adequately cover the need for this increased power. However, for the benefit of the House, I point out that inspectors are permitted to enter without a warrant in the following limited circumstances—

to ensure compliance with an 'animal welfare direction';

where an animal has sustained a severe injury that would otherwise remain untreated for an unreasonable period of time;

where there is an imminent risk of death or injury to an animal because of an accident or an animal welfare offence; and

where any delay in entering will result in the concealment or destruction of evidence or the death of an animal that is being used in an offence.

Inspectors can also enter the non-residential parts of a place where an animal is suffering because of a lack of food or water or because the animal is entangled and the owner does not appear to be at home.

Another power which may come in for criticism is the power to request the name and address from people in certain circumstances. While police do not have this power, I think it is necessary for inspectors under this bill to have the power, because it is very difficult for inspectors to gain evidence as the injured party—the animal—cannot give its own side of the story. The inspector must be able to determine whether the person they are speaking to is in charge of the animals concerned and that this person was responsible for the alleged cruelty.

Making it an offence to give a false name and address is necessary also as a deterrent. The provision that only those people who are guilty of a cruelty offence can be found guilty of giving a false name and address is also sensible, because only the guilty should fear prosecution.

One of the final points I would like to make regards the registration of scientific users. The keeping of this register and the strong policing of it is a must to maintain control of animal experiments. The renewal required every three years is equally important to ensure that each scientific user meets the strict criteria. This is effectively a review of their registration every three years, which can only be a good move.

Many of the complaints about the use of animals in scientific experiments have been about the secretive nature of the practice. The provision requiring the publication of annual reports by scientific users, detailing the type of animals used and any complaints, inquiries or grievances about the use of animals, should provide a measure of openness and accountability for research companies.

I would also like to touch briefly on the issue of stock inspectors, as the member for Callide seemed to get quite agitated about this aspect of the bill. His quite twisted logic and verbal barrage took more twists and turns than the tumbling acts at the circus. I can assure the member

for Callide that as a consequence of this bill there will be 80 stock inspectors, 17 vets in the field and two managers who are vets. The DPI staff included in this bill are additional inspectorial resources that did not exist before. Under the old legislation, only the RSPCA and the police were incorporated. It should also be noted that some 14 RSPCA inspectors will be utilised in the field, as will the Queensland Police Service under the Police Powers and Responsibilities Act.

What we are talking about is a large increase in the coverage area, which can only be of immense benefit to animal welfare in this state. I have every confidence in our DPI staff, and I am sure that with the combined resources of DPI, police and the RSPCA we will have the presence to ensure the requirements of this bill are well and truly met.

As I said previously, this a very balanced, well thought out and comprehensive piece of legislation. It is so good that the National Party and the Liberal Party are falling over themselves trying to claim it as their own. It is a prime example of how the legislative process led by a Labor government can address community concerns and produce a just result. I would like to thank Agforce, the RSPCA and, in particular, Mark Townend for taking a constructive role in mediating outcomes to enable this bill to proceed.

The bill also demonstrates what can be achieved through thorough consultation, which has become the hallmark of the Beattie Labor government. It also proves that the Beattie Labor government does not run away from the contentious issues and is willing to make a stand and improve the lives of all Queenslanders and Queensland animals.

Mr WELLINGTON (Nicklin—Ind) (4.52 p.m.): I rise to speak to the Animal Care and Protection Bill. I do not intend to repeat comments already made by previous speakers on this bill. There can be no doubt that a lot of hard work has gone into the preparation of this bill with genuine attempts to improve the law and bring it up to date with current community standards. Notwithstanding the best intentions of the substance contained in the bill, I place on record concerns I have with some inspectors using a heavy-handed approach to disputes. I hope that there will be appropriate supervision of the inspectors and officers to ensure that they always use a responsible and commonsense approach to solving disputes.

I note that it has been reported that $90,000 has been allocated for a mobile educational unit. I ask the minister: how does he propose that money will be allocated? Another question I have for the minister is in relation to the amendments to be moved by the minister during the committee stage. In this regard, I note that the bill was first introduced into this House on 31 July and that the Scrutiny of Legislation Committee commented on the bill on 11 September. I am not sure when his amendments were first circulated, but I was wondering would he have had a problem with forwarding a copy of his proposed amendments to the Scrutiny of Legislation Committee for consideration once he formed the decision to move amendments?

I would also like to place on the record my appreciation of the minister's staff for their willingness to provide me with briefing opportunities in relation to the bill. I will be supporting the bill.

Mr PURCELL (Bulimba—ALP) (4.53 p.m.): It gives me great pleasure to speak on the Animal Care and Protection Bill 2001. This bill replaces the 1925 Animals Protection Act. One of the major differences between the two acts is that the 1925 Animals Protection Act could only be applied after an act of cruelty had occurred. This bill is a proactive bill and it can apply before the fact rather than after.

Another major difference is in clause 108, which gives authorised officers the power to enter non-residential premises without a warrant. This is where this bill will put a stop to a lot of cruelty to animals that has occurred over the years and has caused a lot of heartburn to departmental officers and RSPCA officers.

Serious animal welfare problems can develop when animals are used for commercial purposes because many such acts take place on private property away from scrutiny. To protect the welfare of animals used for commercial purposes, the bill provides for monitoring programs to be developed in consultation with the industry to ensure that basic standards of animal welfare are met. These relate to large feed lots, piggeries, chicken producing places and so forth. They are to sit down with the department and to come up with a program.

Clause 107 provides that the powers given to authorised officers in clauses 108 and 111 are restricted in that they may only be exercised for the purpose of monitoring a program. This would remove a lot of frustration that officers have felt in the past when they have not been able to enter premises because they did not have a warrant and needed to give 48 hours notice to get a warrant. That meant that they could not go in and look at animals or check out piggeries,

hatcheries or places like that when they believed that there had been some transgression of laws. Whether it was happening or not, those officers who were trying to gain access to the premises probably believed that it was happening because the owners refused to let them in. This clause will stop a lot of that angst felt by different people trying to enforce this law.

To ensure compliance with a monitoring program, clause 108 provides authorised officers with the power to enter only the non-residential areas of the place without a warrant. This power is consistent with the bill's proactive approach that will help stop animal welfare problems from arising in the first place instead of reacting to problems after they have developed. The power to enter is limited by requiring that 48 hours written notice of the proposed entry is given to the occupier.

Where a breach of the monitoring program has been discovered after entry and an animal welfare direction is given to rectify a problem, authorised officers are also provided with the power to enter at a specified time to ensure compliance with the direction. For the same reasons, that power to enter is given to authorised officers in clause 108 to enter non-residential premises. Entry by an authorised officer or vehicle used to transport animals is permitted by clause 111 for the purpose of ensuring compliance with a monitoring program.

As we know, a lot of stock in this state is transported by, in many cases, double deckers, triple deckers and vehicles that travel from one spot to another fairly quickly. This clause will ensure that these animals are looked after. From having stock transported myself, I know that the cheaper operators would put on more animals and would not care for them in the same way as would those people who would charge the right rate to get them from point A to point B. Responsible owners would use those transport operators because they would know that their animals would be looked after and would arrive in a good condition, whereas those who did not care about the animals would just whack them on a truck for the cheapest price and let them rip.

Also, if the person in control of the vehicle has received an animal welfare direction, entry may be made at the stated time to check compliance with that direction. Clause 209 provides that responsibility for an offence under the bill committed by a corporation is sheeted home to the executive officers of that corporation. However, a defence is provided to the executive officers in clause 209(4) and (5) to avoid harsh results arising from the clause. I do not agree with those clauses. I think an executive officer of a corporation who does not know what is happening in his corporation with regard to animals deserves what he gets. It is good husbandry and good business to know what is happening in your business. If a corporate person does not care, that is too bad.

It is arguable that these subclauses contain a reversal of the onus of proof. However, it should be noted that the matters to be proved by the defence are not elements of the offence. Therefore, placing the onus to prove the defence on the executive officer is justified because the facts that support the defence will usually be entirely within the defendant's knowledge and would be impossible for the prosecutor to prove in the negative.

A person committing an offence knows that they have committed it. It is nearly impossible for them to prove that they have not committed an offence unless they have 24-hour a day surveillance and they are on private property with a video and so forth to prove it. You walk in and see the results. But in Australian courts it is nearly impossible to walk into a court and prove it because what has been happening has not actually been seen. This clause provides that it can be proved because the defendant has to prove that they did not do it. If the animals are there dead, dying or suffering, they have to prove that their actions were not the cause. I think that is pretty fair.

I can see that the member for Hinchinbrook is giving me some fairly piercing looks. That explanation was just for his benefit. The 1925 Animals Protection Act is based mostly on a reactive approach to animal welfare issues and does little to encourage and advance animal welfare standards, particularly with regard to livestock production. This bill aims to educate all people who have any form of contact with animals. It does not just cover the family pet but all animals, whether they be domestic, commercial, exotic or wildlife. It covers basically any animal that comes into contact with humans.

This fact is clearly spelt out in clause 11(d) of the bill, 'What is an animal'. This section of the bill came as a surprise to me, because I did not think that the animals listed in it were animals. However, it covers all animals that people come into contact with, and there will be no comments from the peanut gallery. This clause provides that the regulation includes animals of a certain class—that is, molluscs and animals which have tentacles attached to their heads such as

cuttlefish, squid, octopi and soft-bodied animals like crabs, crayfish, lobsters and prawns. These animals come under the protection of the bill by prescribing them to be 'animals' for the purposes of the act. Many people come into contact with these animals when fishing and so forth. This legislation ensures that they are treated correctly. There is increasing concern in the community that some methods of preparing these animals for consumption are inhumane, and the bill prescribes ways that they can be dealt with.

The educational focus of this legislation is very important. The Queensland government has announced that it will assist the RSPCA to educate people about the importance of caring for and the protection of animals with a $90,000 commitment towards a mobile education unit which will tour the state. The RSPCA brought this proposal to the government to promote responsible animal care and welfare to the community, and the Queensland government has responded appropriately. This bill is flexible and responsible to the changing animal welfare needs and technological advances that are being made in the care of animals. There are constant advances in our education and comprehension of animal biology and behaviour. This bill is written in everyday language so that it will be easily understood by all. The duty of care is enforceable on anyone who has control of animals and also defines what their duty of care is. It is not about animal control but the care of animals for their best welfare.

Clause 184(2) states that there are some people who own animals—and this proposal has caused a lot of problems for the RSPCA and departmental officers—who are incapable of properly caring for them because of their old age, their financial circumstances, psychological or intellectual impairment or mental illness. Although such people may not be committing animal welfare offences themselves or may not mean to, their incapacity may contribute to the commission of animal welfare offences on those animals by another person.

In cases like these, if the owner is incapable of exercising their duty of care to their animals, the court is empowered to make a disposal or prohibition order in relation to animals owned by that person when the person who committed the offences is convicted. We have all seen stories on the news of people who own a couple of hundred cats where the cats have taken over the house and their owner cannot afford to feed them and cannot look after them because they are incapable of doing so. To protect the interests of the person subject to the order, clause 186 provides that the court must give the person subject to the order an opportunity to be heard. If they can look after them, the order will not be made against them, but if they cannot it will.

This bill has been roughly 10 years in the making. It has had a long gestation period. Everybody interested in having input into the bill has been consulted. The RSPCA has had major input into this legislation, and I thank that organisation for the time and effort it has put into the bill with many officers over a number of years. It is very pleasing that the community is becoming more and more aware that animals do need to be correctly cared for. Products that have the wording 'Not tested on animals' as a marketing symbol, particularly on women's cosmetics, are becoming more and more commonplace in our society. This bill does allow for certain products to be tested on animals, but the bill ensures that this practice is accountable, open and, most importantly, responsible. The use of the national code applying to animals in scientific research will be made compulsory under this legislation.

This bill creates specific offences so as to make it easier for departmental officers and the RSPCA to prosecute such things as dogfighting, cockfighting, the blooding of greyhounds and other offences that I could but will not mention. It will also make it an offence to be present at such prohibited events. Sometimes a fee is charged to go into the event and bets are placed on the outcome. The maximum penalties for these types of offences will be very severe. The maximum penalty for cruelty can be up to $75,000 or two years in jail for an individual. The inspectors who enforce the provisions of the bill will be DPI stock inspectors and veterinary officers, and the RSPCA will continue its important enforcement role in animal welfare under this bill. This bill covers animals in all situations and the national code of practice is used with regard to cattle, sheep, pigs, lot feeding and the transportation of horses and other animals.

If people carry out activities in line with the recognised national code they will not commit an offence under this legislation. First and foremost, this bill is about the appropriate actions in the circumstances when dealing with animals. The general public expects that a deliberate act of cruelty to an animal will be punished appropriately. The penalty levels in this bill reflect the seriousness of the offence and will hopefully discourage others from following in their footsteps. The bill is written in plain English and is pretty much based on commonsense.

Animal welfare is an international trade issue in relation to the export of animals and animal products. Some countries have indicated that they expect the countries they do business with in

this regard to have corresponding animal welfare standards. The introduction of this legislation is one way to show overseas markets our responsibility with regard to falling in line with animal welfare standards. That is very important, because we are a large exporter of live animals and we need to ensure that we comply with international standards. If a person is in the presence or control of an animal and it is accidentally injured, the responsibility rests with them to do all that is reasonable to have the animal treated by a suitably qualified person or to provide suitable treatment themselves.

I will give the House an example where something like this could happen. Say it is early in the morning on a nice day with the fog lifting over the dam and there is a fence running through a paddock with a mare on one side and a stallion on the other. The mare had never been put to the stallion before. In fact, she was thought to be barren. She was as wide as two gate widths in the rump and it was thought that she could not come into foal. But on this very romantic morning she was prepared to give it a try and backed up to the barbed wire fence. The stallion, of course, was always ready to assist any mare in her endeavour. As a result, the mare was not hurt at all and quite enjoyed the event. However, in the process of getting over the fence to get at the mare—or through the fence, because he went over the fence with one part of his body and through it with another—the stallion was injured. I do not think any owner could be held responsible for that injury, but the owner should take the appropriate action to look after that animal and to get veterinary assistance.

By the way, the mare, an eight-year-old, did come into foal. Roly, the pensioner who owned her, could not believe it. He thought it was a miracle, an immaculate conception!

An honourable member interjected.

Mr PURCELL: He did not pay a service fee, no. Billy, the stallion, who was a great stallion known throughout the Texas district for his endeavours, was only $10 a pop. So he was very affordable. I remember that one day we had to cut the fence to get an autoheader in to strip some wheat. Billy went out into the reserve. There would have been about 50 to 60 mares on the reserve. Billy brought them all in through the fence and put them up the back paddock behind the shearing shed and Billy was as happy as could be for the next couple of weeks until we found out about it and got rid of the mares, who had eaten all our free grass.

Members can see that an animal may be injured without the owner's knowledge, but owners are to do everything in their power to make sure that an animal is looked after if it is injured. It is commonsense that it is an owner's responsibility to take appropriate action relevant to the situation.

This bill provides a modern legislative framework for dealing with animal welfare issues. It also takes into account the fact that it is not always appropriate to legislate a generic set of standards to apply to all animals. The main positive feature of this bill is that it is focused on the safety, needs and protection of animals.

I congratulate the departmental officers who have worked so hard to put this bill together and to bring it before the parliament. Some people might say that after 10 years it is about time this legislation was introduced, but I would not say that. I would just say that officers probably had other things to do during the formulation of this bill and that it was probably not a high priority at the time. I also thank the minister for bringing the legislation to the House. I know it will have a speedy passage.

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities) (5.10 p.m.), in reply: At the outset, I thank all honourable members for their contributions to the debate on the Animal Care and Protection Bill. As far as I am concerned, this has been one of the better debates in this House. The bill has garnered support from all sides of parliament—the government, the National Party, the Liberal Party, the One Nation members and of course the Independents. So we have support across the cross-section of the parliament, which is quite difficult to achieve most of the time.

The theme that permeated the speech of every member this afternoon was the regard honourable members had for the staff in the DPI for the manner in which they briefed them. I will tell members why that is the case. There are people within the Department of Primary Industries who have worked on this piece of legislation from its very inception. They are so committed to getting this bill through the parliament because they believe it is landmark legislation that will provide a model for other states. That is why they briefed honourable members on all sides of the House in the manner in which they did.

I thank all honourable members for recognising the contribution of Department of Primary Industries officers for putting together this very important piece of legislation over the past 10 years. Its formulation started back in Tom Burns's day and continued in Terry Mackenroth's day and Marc Rowell's day. Of course, I am very fortunate to be standing here in this House today as the minister with carriage of this legislation and, more importantly, to be part of this legislation being passed unanimously by the House. For that I thank all honourable members.

I wish to address a number of issues raised by different members. In the first instance I will address a number of the issues raised by the honourable member for Hinchinbrook. Hopefully my responses will answer the questions he raised in his speech.

The first question he asked related to what body would be responsible for the sale of unwanted animals and animals of a convicted person involved in a disposal order. The handling of unwanted animals will depend on the circumstances. In most cases existing systems will continue. These include the rehousing of animals by the RSPCA and by other refuges. The handling of animals of a convicted person involved in a disposal order will be in accordance with the direction of the court. The bill states that the court is to order how any sale is to take place and how the proceeds are to be distributed.

Another question asked by the honourable member for Hinchinbrook related to consistency of the bill with other state legislation. Clearly, each state's legislation will have some minor differences, but this would not adversely affect livestock being moved interstate. The consistency here comes from the transport codes of practice. These are national codes and they are acknowledged by all of the states. There is in fact one national standard for each type of livestock, making it much easier for all the different industries to conform.

The member referred to the subjective assessment of overriding or overworking an animal. It is a very important point. I can assure the House that the standard of proof required in the act is beyond reasonable doubt. The court will demand object and clear evidence of any alleged offence. In most cases, inspectors will need to get veterinary or other expert advice before making any decisions to prosecute. Of course, this is not a subjective process.

The other issue touched on by the member for Hinchinbrook, the member for Callide and a few other members concerns Aboriginals and Torres Strait Islanders. This government is bound to abide by fundamental legislative principles which provide that all Queensland legislation must give due regard to Aboriginal traditions and Torres Strait Islander customs. Also, Commonwealth native title legislation prevails in this area. However, as a government we are aware of potential issues, and the bill purposely has an ability to deal with any particular practices which could cause community concern. It will do this by regulation in consultation with the people who are affected. Paragraph (c) of clause 8 of the bill contains a provision for a regulation. The regulation is there to basically satisfy the concerns of honourable members opposite.

As the honourable member for Hinchinbrook pointed out, it is important that the scientific purposes code be up to date with modern practices. The current code was updated and endorsed in September 1997. The code is already undergoing another review at this time. We recognise the importance of keeping codes up to date.

While I am on the issue of codes of practice, I point out for the benefit of the House the vast array of codes that are currently available. There are two compulsory codes. One is the Queensland code of practice for the welfare of animals in circuses. It is enshrined in the legislation and other states are looking at this, so we will basically end up with a national code of practice for circuses. The other compulsory code is an Australian code of practice for the care and use of animals for scientific purposes. That is also enshrined in the legislation.

All other codes—such as for livestock at slaughtering establishments; for land transport of cattle; for land transport of horses; for land transport of pigs; for the welfare of animals, whether goats, sheep or pigs; for land transport of poultry; for animals at saleyards; for feral livestock animals; for the farming of deer, farm buffalo, cattle and camel; for husbandry of captive-bred emus; and for intensive husbandry of rabbits—are all voluntary codes. The good thing about these codes is that they have been put together by industry. Therefore, industry knows what they are about and they are bound to abide by those codes.

Other codes are in the process of being drafted. The honourable member for Darling Downs is very keen on rodeos. A draft code is now being prepared relating to the care and treatment of rodeo livestock. We have a draft code for the farming and welfare of ostriches. We have a draft code here for the land transport of sheep. We have a draft code here for domestic poultry. And of course we have a draft code for cattle. As honourable members can see, there are a number of

codes in the evolution stage. Some codes are compulsory and other codes are voluntary. The majority of codes that deal with extensive livestock are voluntary codes.

The honourable member raised an interesting point about how the funding for this legislation is going to be found. It is recurrent funding of $1.6 million in the budget. It was included in the department's budget submission. No new funding was sought. We are going to have the resources come from an internal reallocation system. So for honourable member's information, the money is there.

Mr Rowell: The RSPCA as well?

Mr PALASZCZUK: No, that is the internal funding for the department to administer this bill when it becomes an act.

Mr Horan and Mr Hopper spoke about rodeos. I think I have pointed out that a draft rodeo code is being put together. The member for Darling Downs offered his services to help put together that code, and I will gladly accept his involvement in that. I have spoken to my officers, and he will be part of that because, as he said, he has been involved in rodeos and animals at rodeos since he was a young fellow. So we are certainly pleased to use that sort of expertise.

The honourable member also mentioned the issue of cats. I have to remind all honourable members that this bill is about animal welfare; it is not about animal control. Councils have a full range of powers available to deal with these issues, but they are not the subject of this bill.

Both the RSPCA inspectors and DPI stock inspectors will enforce the bill. The honourable member for Glass House mentioned that there will be vets involved. As the process of evolution continues and we can sign an MOU with the Police Service, we will have the Police Service involved. We will also look at other departments—not only state government departments but federal government departments—to assist in administering this bill when it becomes an act. So members should not be too concerned. I believe that we will have adequate numbers of people out there in the field enforcing and educating people—I suppose education is the operative word—on how to look after their animals.

The member for Darling Downs also mentioned the issue of steel-jawed traps. This bill has an exemption for the control of feral and pest animals provided that, where a code exists, that code is adhered to. I understand that the feral animal code currently allows for the use of steel-jawed traps, as referred to by the member for Darling Downs.

The member for Callide raised a few issues. He raised the issue of codes of conduct and how they change. All I can say is that codes are meant to be dynamic documents; they can change. The safeguard here for our community and for all honourable members in this House is that when there is a change in a code of practice, as minister I have 14 days in which to lay it upon the table of this House for the perusal of members in this place. I think the fact that I have gone through all the voluntary codes and the compulsory codes and the codes that are evolving now should satisfy the member for Callide in relation to those codes. He also questioned the interpretation required by inspectors when using codes. As I have said, codes cover specific species and/or specific circumstances. However, there are areas where the codes outline what is to be achieved, and there is flexibility for producers in those codes.

The member for Gladstone raised an interesting point about exercising dogs. Let me reassure the House that this is all based on commonsense. The bill does take into account a dog's size and physical condition—and size, when considering the requirement of daily exercise, must be complied with. But this requirement applies only to dogs that are confined for a period of 24 hours. If not, there is really no requirement there that the owner must exercise the dog. The dog merely must have the opportunity to run around or exercise if the dog wants to. That is basically what my dog Suzi Q does at home when we are working late and I cannot take her for a walk; generally speaking, she exercises herself in the front yard.

The member for Gladstone raised the issue of de-barking, which is permitted under the bill. Current legislation permits de-barking operations only under strict conditions. These conditions acknowledge the roles of local governments and the problems barking dogs do cause local governments. The current arrangements in the bill for de-barking have not attracted any opposition, and I cannot see any reason why the way that the provision is set out in this bill cannot be accepted by the House.

The honourable member for Tablelands raised a couple of issues. She was concerned about an employer engaging an employee with a working animal. This provision is necessary to ensure that an employer cannot hide behind the fact that they do not own the animal in a case where

they knowingly condone or encourage mistreatment of that animal. And on the power of inspectors to destroy an animal without a veterinary diagnosis, there are times when this is the case. This power is necessary basically to prevent undue suffering of an animal that is in significant pain. And if a person feels aggrieved by the destruction of their animal by an inspector, clause 191 then allows that person to claim compensation.

The member for Nicklin raised a couple of issues in relation to the $90,000 that is to be provided by the Department of Primary Industries for an education program. That money has already gone to the RSPCA towards an education unit which will travel the state visiting schools and the like to educate people on this new piece of legislation. So the money is there. The RSPCA does have it.

The member also raised an interesting issue about the amendments that I will be moving at the committee stage this evening. Many of those amendments are a direct result of the Scrutiny of Legislation Committee having a look at the legislation and then making a recommendation to myself, as minister, and we have accepted those recommendations. That is why those are in. The others are very minor amendments that have been recommended to us by parliamentary counsel to ensure that the true meaning of the legislation goes through. I circulated those amendments yesterday afternoon so that honourable members had enough time to have a good look at them. They are not major amendments, just recommendations from the Scrutiny of Legislation Committee and from parliamentary counsel.

I also thank all honourable members on the government side. I will not go through all of them by name. As Minister for Primary Industries, which does include animal welfare, I very much thank them for all their support and for their contributions to this House. I am quite sure that they are part of an historic moment in the history of the Queensland parliament, being part of a government that is passing such landmark reforming animal welfare legislation.

Motion agreed to.

Committee

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities) in charge of the bill.

Clauses 1 to 7, as read, agreed to.

Clause 8—

Mr ROWELL (5.28 p.m.): The minister spoke about clause 8 dealing with traditional Aboriginal and Islander customs. It does concern me that in some cases—and it might be turtles, dugong or whatever—there have been instances where Aboriginals have turned turtles onto their backs and left them to rot. It does concern me that that may not be a traditional custom. What would happen in that situation?

Mr PALASZCZUK: This bill intends to recognise the rights of Aboriginals and Torres Strait Islanders to do their traditional hunting or fishing. As I said earlier, clause 8(2) states—

> However, if a regulation prescribes conditions for the doing the act, or making the omission, subsection (1) only applies if the conditions have been complied with.

So we intend to consult with the various Aboriginal and Torres Strait Islander communities about their traditional fishing methods. That consultation will be done under an RIS. Then we will come back and make a regulation that will prescribe the way in which the various communities are able to conduct their traditional fishing.

Mr ROWELL: Basically, there will be just one regulation that suits all Aboriginal communities, or will there be a variation of regulations for a range of communities?

Mr PALASZCZUK: That is a very good point.

Mr ROWELL: Just to round it off, will they be vastly different from any other conditions that anybody else has to comply with as to humane actions that are being carried out? I think that is the point that I want to make as much as anything.

Mr PALASZCZUK: There are two points there. The first point is quite important. No, there will not be one regulation. As I said previously, we will be consulting with the various communities to have regulations for those various communities. The second point is that, no, the Aboriginal and Torres Strait Islander communities will be treated no differently from anyone else.

Clause 8, as read, agreed to.

Clauses 9 to 12, as read, agreed to.

Clause 13—

Mr ROWELL (5.31 p.m.): It is important that I refer very briefly to the codes. I know that they have to be developed and I know that they will be introduced in the form of regulations. However, I raise the matter of stock coming across borders. That applies not only to transported stock. Although there may be a national code, we are going to create a code in Queensland. Will that national code necessarily comply with the code that is going to prevail in Queensland, seeing that we have not really developed those codes at this time?

Mr PALASZCZUK: I am sorry, just ask me the question again.

Mr ROWELL: I am referring to the codes that will be developed, which will be introduced as regulations. They will be Queensland codes. When people transport stock across borders that do not have the legislation in place that we have, although there may be a national code for transporting stock stating that we should water stock every now and again and so on, we may have conditions within our code that are more stringent than those in the national code for transporting stock or for other animals that come across the border.

Mr PALASZCZUK: In that case, the national code will always prevail.

Mr Rowell: It may be a lesser code than the one we have.

Mr PALASZCZUK: It could be.

Clause 13, as read, agreed to.

Clauses 14 to 17, as read, agreed to.

Clause 18—

Mr ROWELL (5.33 p.m.): This clause refers to the use of electric devices on animals prescribed under a regulation. Clause 18(g) states—

Kills it in a way that—

(i) is inhumane; or

(ii) causes it not to die quickly; or

(iii) causes it to die in unreasonable pain.

I do not want to get to the stage of talking about flying fox grids, but who actually determines whether the action is inhumane or not?

Mr PALASZCZUK: If we are speaking about the flying foxes, that issue comes under the Nature Conservation Act under the EPA. But in answer to the specific question that the honourable member has asked, the courts will decide the extent of the cruelty.

Mr ROWELL: What I am not quite clear about is that we have here a bill that talks about inhumane methods. Yet there is no real way of determining what is an inhumane method of dealing with an animal that is going to be put down. This clause deals with a whole range of issues, such as whether an action causes an animal to not die quickly or causes it to die in unreasonable pain. So all of those factors would not rate any consideration whatsoever as far as any animal is concerned, particularly when we are talking about flying foxes. We then go to a court to make a decision as to whether it is an inhumane way of dealing with them.

Mr Palaszczuk: That's what happens with flying foxes and electric grids up in Far North Queensland.

Mr ROWELL: Yes. That is under a federal act, not a state act. But it is not necessarily under that act for that reason necessarily, because they are a species that could be endangered. That comes under the environmental protection and biodiversity conservation legislation, which is federal legislation.

Mr PALASZCZUK: The short answer to the honourable member is this: we have those voluntary codes in place. I have just picked up the feral livestock animals destruction or capturing, handling and marketing code. It gives us an idea of the humane destruction of feral livestock animals. It details poisoning and shooting from the ground. So all of those issues are found in these voluntary codes that have been put together by the industry. That is where we have to go to, but as I said previously in relation to electric fences and the flying foxes that the honourable member has mentioned, the final determination is made in a court of law.

Mr ROWELL: And scientific evidence is then brought before the court to make a determination as to whether it is inhumane or not. Is that what the minister is saying?

Mr PALASZCZUK: That is right. If the act does not meet the requirements of the code, it is outside the instructions in the code. Therefore, it could be deemed as an offence and it could go to a court.

Clause 18, as read, agreed to.

Clauses 19 to 35, as read, agreed to.

Clause 36—

Mr ROWELL (5.38 p.m.): This clause refers to prohibition. I refer in particular to the issue of the laying of baits. I want some clarification about pests such as pigs and dingoes—a whole range of pests that are a problem for primary producers. However, I want to speak particularly about the baiting of rats. In my contribution during the second reading debate I mentioned the use of a zinc sulfide in cane fields. It is a bait that does not have a long residual life and it certainly does not affect hawks or owls.

Can the minister describe clearly how a person would go about baiting? This involves a number of groups of people. Clause 36 states—

A person, other than the following, must not, with the intention of injuring or killing an animal, administer to, or feed, the animal a substance that the person knows is harmful or poisonous to it—

(a) an inspector;

(b) a prescribed entity;

(c) a veterinary surgeon.

It does not talk about a farmer administering a bait which may be necessary, particularly in the case of, say, rats.

Mr PALASZCZUK: I do not believe that there is a code of practice for rats; therefore we do not have a code. In that instance, rats as a pest are exempted. Rats as a pest are exempted because there is absolutely no code. They are exempted from this clause.

Mr ROWELL: It is not the rat; it is the person who will apply the bait that I am concerned about. It is not the rat.

Mr PALASZCZUK: There is no offence because there is no code.

Mr ROWELL: The thing is that someone could lay a bait that could be of some detriment to the likes of hawks, owls and so on. If there is no offence, I can lay Klerat which will kill the likes of owls. That would be detrimental. We are trying to get away from that. I am not trying to be difficult. I am just saying that, while there is prohibition on certain aspects of laying baits, the minister is saying that with rats there is no particular concern because they are not listed as a problem species and there is no problem in killing them. I think that that is what the minister is saying.

I do not think that it is in the best interests of birdlife such as hawks and owls if somebody can lay baits indiscriminately. I am absolutely sure that, at the present time, one cannot do that. There have to be bait stations and a whole range of things. How does that tie in with the act?

Mr PALASZCZUK: Clause 42, which refers to feral or pest animals, should explain it. My brief says that clause 36 prohibits a person from administering a poisonous substance to an animal with the intention of injuring or killing it. Inspectors, prescribed entities and veterinary surgeons are exempt from this provision because they will, on occasions, need to put down an animal. That is not it.

The clause also makes it an offence for a person to lay a bait or poison with the intention of injuring or killing the animal, but by virtue of clause 42 it will be an offence exemption to these offences if the animal concerned is a feral or pest animal, and the requirements of that clause are complied with. If it is done to control a pest, it is exempt, even if a bird is killed in the process.

Mr ROWELL: I do not want to labour the point, but with feral pigs farmers cannot simply lay the likes of strychnine or 10/80. Natural Resources attends to that. I have some doubt about what the minister is saying. I am not trying to be pedantic or difficult, but the fact is that—

Mr Palaszczuk: Do you need a special permit?

Mr ROWELL: That is right, but one does not need a special permit as far as rats are concerned?

Mr Palaszczuk: No, you don't. I don't think you do.

Clause 36, as read, agreed to.

Clause 37—

Mr ROWELL (5.44 p.m.): This clause deals with unlawfully allowing an animal to injure or kill another animal. When people go pig hunting with dogs, in certain circumstances it can be a very difficult issue for the dog not to substantially injure the pig.

Mr Springborg: Or vice versa.

Mr ROWELL: Yes. If a dog latches onto a decent sized boar with large tusks, it can be extremely difficult for the dog. If the dog cannot hold the pig and keep him away from whoever is going to destroy the pig, that person's life can be in jeopardy, too. Clause 37 deals with unlawfully allowing an animal to injure or kill another animal.

Mr PALASZCZUK: When it comes to feral pigs, that practice is exempt. Nothing has changed. That practice is exempt.

Mr Rowell interjected.

Mr Palaszczuk: It is also in the feral livestock animals code.

Mr Rowell: It is not really all that clear. That is what I am saying.

The CHAIRMAN: I suggest to both the minister and the member that they use their microphones. I am sure that *Hansard* will be having difficulty in hearing, as I am.

Mr ROWELL: Clause 42(3) states—

"pest animal" means any of the following—

(a) a non-indigenous animal generally regarded as being a pest;...

(b) noxious fisheries resources under the *Fisheries Act 1994*;

(c) an animal declared under a regulation made under this or another Act to be a pest;

(d) an animal required to be controlled under an Act;

(e) an animal the subject of a measure or program to control disease under the *Fisheries Act*, *Stock Act 1915, Exotic Diseases in Animals Act 1981* or another Act.

Mr Palaszczuk: Look at 42(3).

Mr ROWELL: It states—

"feral animal" means an animal living in a wild state that is a member of a class of animals that usually live in a domestic state.

It gives examples: buffalo, cats, dogs, donkeys, goats, horses and pigs.

Mr Palaszczuk: Feral.

Mr ROWELL: The minister is saying that clause 37 does not apply as far as feral animals are concerned; is that right?

Mr PALASZCZUK: It does not apply unless it is covered by a code. Nothing will change with the hunting of feral pigs.

Mr ROWELL: We are talking about the main aspect. We are not worried about feral animals, as I understand it. There is no concern about the way we go about killing feral animals. An animal can injure or kill another animal, if it is a feral animal that is being attacked.

Mr PALASZCZUK: Clause 42(2)(a) states—

It is an offence exemption for the offence—

(a) if the act is done in way that causes the animal as little pain as is reasonable...

Clause 37, as read, agreed to.

Clauses 38 to 41, as read, agreed to.

Clause 42—

Mr SEENEY: I wish to take the opportunity in the examination of clause 42 to clear up a number of issues with regard specifically to the control of dingoes. Clause 42 has two definitions included within it. One defines a feral animal and the other defines a pest animal. I presume—and I seek the minister's confirmation—that a dingo will be classified as a native animal, even though there is some debate about how valid that classification would be.

Clause 42 deals with this whole question of controlling feral or pest animals. The shadow minister has explored that with regard to the types of actions that are appropriate in the control of feral or pest animals. My contention is that in many parts of Queensland for quite some time and for the foreseeable future the dingo will continue to be regarded as a feral or pest animal.

Mr Springborg: The DNR fact sheets.

Mr SEENEY: Absolutely. However, some of the woolly-headed members opposite seem to think it is cute and cuddly and should be the subject of tourist photos. But to most people who have to deal with the problem of dingo infestations in the real world the dingo is a feral or pest animal. Many of the control mechanisms that have been talked about by the shadow minister and which are obviously meant to be covered by clause 42 will have to be applied in the real world to dingoes.

I am interested in knowing how those definitions that are included in clause 42 will handle that situation. Obviously, the dingo is not included in either of those. I guess it will be classified as a native animal. Those exemptions that clause 42 sets out, I hope, can be applied to controlling dingoes in the areas where they are definitely a feral or pest animal. I seek the minister's confirmation of that or I seek some information about how that situation is to be handled.

Mr PALASZCZUK: In the first instance a dingo is a declared pest under the Nature Conservation Act. Clause 42(3)(c) states—

... an animal declared under a regulation made under this or another Act to be a pest ...

Done.

Mr SEENEY: I thank the minister. I think this legislation has addressed the situation in the right way. However, this act depends upon the dingo continuing to be declared a pest animal. Is that correct? If in the future the dingo is no longer declared in such a way, I take it that the baiting of dingoes would no longer be exempt? Clause 42 provides the exemption to allow baiting of dingoes at the moment. If that classification in the other act was no longer valid, dingo baiting would suddenly become an act of cruelty under this act.

Mr PALASZCZUK: I cannot see that happening. Could I also correct the record? I thought the dingo was a declared pest under the Nature Conservation Act. In actual fact, it is under the Rural Lands Protection Act.

Mr Seeney: That is right. I was not going to argue with you about that, because I did not want to confuse the issue.

Mr PALASZCZUK: That might sort out the member's problems. What government would accede to the proposition the member is making now? I cannot see anybody doing that. The dingo is a declared pest, and that is it.

Mr SEENEY: I agree with the minister, and let us hope it stays that way. The point I am making is that there is no provision under this act to bait a native animal if the dingo were ever so classified. I would be opposing any moves to classify the dingo as a native animal. I am pleased to hear that the minister is of a like mind. Given the way clause 42 is worded, there would be considerable difficulty continuing with baiting campaigns if that were ever to happen. But I am pleased that we are in agreement and I am pleased that that is on the record so that in the future when or if this situation arises I can refer to it. The minister may no longer be here, but I trust I will be.

Clause 42, as read, agreed to.

Clauses 43 and 44, as read, agreed to.

Clause 45—

Mr ROWELL (5.55 p.m.): I wish to clarify the clause headed 'Slaughter under religious faith', which states—

It is an offence exemption for an offence if—

(a) the act that constitutes the offence involves the slaughter, under a religious faith, of an animal; and

(b) the slaughtered animal is to be used for human food; and

(c) the person doing the slaughtering follows the religious faith.

How far can we take this type of thing? We in Australia, and certainly in Queensland, have certain conditions that we are laying down in the codes of practice. If some cult wants to start up in Australia that has a particular way of slaughtering animals, what will determine the extent to which that can be accommodated if that method of slaughter does not abide to a large extent by the codes of practice that we are going to develop?

Mr PALASZCZUK: In the first instance, the intent of this clause is to ensure that traditional livestock slaughtering practices of recognised religions such as the slaughter of cattle by the halal

or by the kosher method are allowed to continue. But if we are talking about cults, we really have to talk about registered religions before they are entertained.

Mr Rowell: We could just register one.

Mr PALASZCZUK: That is a hypothetical. I do not want to comment on hypotheticals. The act basically states that it must be a registered religion before it is taken into consideration.

Clause 45, as read, agreed to.

Clauses 46 to 49, as read, agreed to.

Progress reported.

WATER RESOURCES

Ms LEE LONG (Tablelands—ONP) (5.58 p.m.): I move—

That this House call on the government to review its water resource planning process, the five-year price path, and the lack of any right of appeal in the Water Act 2000.

Recently I had the opportunity to attend the Queensland Irrigators Council annual conference in Mareeba. This is a peak body representing the irrigation industry and I found it rather disturbing that the Beattie government was not more adequately represented so that the honourable minister might have gained at least some capacity to forge a better understanding of and empathy with a key component of his portfolio.

It was eye opening to hear the similarities of issues facing irrigators, whether they be in my electorate of the Tablelands or from the Burdekin, Proserpine, Emerald, St George, Bundaberg and other areas. The issues remain the same. There is a widespread belief that, through stealth, government is eroding people's fundamental right at common law to appeal. Under the act, should irrigators have allocations reduced as a result of a water resource plan either now or when they are reviewed every 10 years, there is no right of appeal. Should irrigators object to the price path for irrigation charges, the glib response is that they are fair and will be reviewed in three years time by the Queensland Competition Authority. Again, there is no right of appeal. It is the same with the vegetation legislation: no right of appeal. Irrigators clearly understand the need for devolution of responsibility to the most effective level to streamline processes. However, the right of appeal at common law is a fundamental tenet of the Westminster system.

The question is being asked: is the Beattie government becoming a dictatorship? At the last election I believe an overwhelming number of regional Queenslanders voted for a man, not a party—a man who indicated he would listen and respond to the needs of regional Queensland. While the Beattie government may have placating words for the regions, those words are not translating into a meaningful government response to pivotal issues. Is it the government's intention to create a regional underclass and widen the rift between country and city?

Are irrigators calling on the government to ensure that the upgrade to Lang Park, the Gold Coast Indy, the Airtrain system or, indeed, the footbridge over the Brisbane River achieved lower bound costs or even a rate of return? No! Irrigators accept that there are infrastructure needs across the state and that these bring benefits to the wider community. Irrigation benefits the whole community, not just primary users, and its costs should be borne by the whole community, not just a select few. The net income of many irrigators is less than that of many city workers. To single out one group in the community to bear the burden of these costs is most unjust.

The Mareeba-Dimbulah irrigation area currently injects about $120 million directly into the local economy. The multiplier effect of this is very significant. The minister's own department has indicated that somewhere in the order of $39 million is attributed to the tourism value of Tinaroo Falls Dam alone. Approximately 280,000 people camp on the shores of Lake Tinaroo. Something like 800,000 people visit Tinaroo each year. Why should irrigators fund benefits that the wider community enjoys?

The Mareeba-Dimbulah district has recently lost a tobacco industry and a tea-tree industry worth in the order of $55 million. The multiplier effect means that this translates to something like $115 million that is being ripped out of this district's economy. There is little doubt that other agricultural activities are doing it tough as well. Nevertheless, the minister and his monopoly water supplier, SunWater, have seen this as a great opportunity to increase water charges. The programs that this government is implementing on the tablelands are akin to offering someone a gold copy watch after they have just lost both arms in an industrial accident. It is just not good enough.

Irrigators would like to know if it is the minister's intention to play the ringmaster's role in causing the collapse of further rural industries. While I am not a supporter of the national competition policy, I am aware that the minister has chosen to deflect the blame onto this policy through his narrow interpretation of the broad policy framework. His interpretation generates a short-term windfall for the state's budget. The honourable minister needs to be aware that his short-term gains will present future governments with long-term pain as they struggle to undo some of his short-sighted policies. Further, his lack of policy direction is increasing uncertainty.

Is the Beattie government looking for a rate of return from water sales? If so, what is it? Clearly, the government is achieving a very significant rate of return from irrigation areas—significantly more than it could ever hope to achieve from that footbridge, unless of course it decides to put a toll on it. The agricultural sector would love to have a price path locked in for their product for the next five years. They do not. They live in the real world.

Farmers are not a government sponsored monopoly supplier like SunWater. The variable input costs for a 100-hectare cane farm will increase by approximately $4,000 per annum. How would the honourable minister feel if this were enough to push him onto the wrong side of the viability line? And that is not allowing for compounding CPI increases over this period, which further exacerbate the figure. Farmers would be ecstatic to know that their future product sales would increase in line with the CPI. They do not. They live in the real world. I can imagine the minister sitting there thinking, 'It is just not a sustainable industry.' How can it be when the poor old Australian farmer is expected to compete on a so-called level playing field?

In the early eighties the average return for irrigated cropping within the area was approximately $13,000 per hectare. Now it is about $5,000 per hectare, and that is not taking into account the impact of inflation. That would serve only to further highlight the downturn. The increased revenue to the government from water sales by SunWater is coming from one place, the irrigators, who are operating on a very small profit margin.

I turn now to the national competition policy. This strategy does little more than provide a framework under which state jurisdictions have a capacity to formulate policy. However, at this point it would seem that this state is replacing a framework with a framework, leaving a policy void. Irrigators believe that the government has a clear responsibility and a moral obligation to develop a policy in relation to rate of return—a policy that does not threaten the viability of regional communities. Such a policy should give individual farming enterprises and collective industries some planning certainty with regard to rate of return. Somewhere between lower bound cost and an eight per cent rate of return does not give any degree of certainty, nor is it policy.

If it is this government's intention to hold costs at the lower bound for the life of this government, then this needs to be effectively communicated. When a policy is finally developed, its impact on industry competitiveness must be considered. It would be nice to think that if we are the Smart State, as claimed, then we could develop smart policy. However, there has been no evidence of this to date from the minister. At this stage the minister has had a run of 'ducks', and I look forward to the opportunity to acknowledge and applaud his first runs on the board.

In the meantime, many farmers in my electorate are now finding it difficult to put food on the table for their families. It is quite clear that the Beattie government has failed to deliver the necessary micro-economic reforms and policies necessary to ensure a strong and vibrant regional sector. It is letting down a very large and important section of our state. Our regional communities expect and deserve better. I can only hope that some middle ground with irrigators can be found so that it can be demonstrated that this government does indeed have a soul and that irrigators and our communities do have a future.

Mr FLYNN (Lockyer—ONP) (6.07 p.m.): I rise to second the motion moved by the member for Tablelands. Our farmers in the Lockyer Valley are facing economic ruin because the government's use of the Water Act 2000 is driving them off their land. Under this act, new and destructive bureaucratic terminologies have come into existence with such things as a water allocation management plan, otherwise known as WAMP.

By 30 November this year WAMP is set to shut down the creation of all new dams and overland water flow capture facilities such as ring tanks, which as we know are large above ground dams which can be found on the Darling Downs. Any existing dam works must also be finished. Why? Why stop the creation of water capture facilities all over Queensland by 30 November this year or at all? Is it because the SunWater tax collector needs to create a greater supply and demand situation to build profitable water tax collections from farmers? Is the government

behaving like certain OPEC oil countries by profiteering from water in the same way that OPEC holds the world to ransom with oil prices?

Why is this government sending Lockyer farmers and other families around the state literally down the economic gurgler by taxing them for water and cutting back their access to water by up to 50 per cent? How do we protect jobs and create wealth by cutting off farmers' water supply by as much as 50 per cent and taxing them on what water they do have? Many farmers in the Lockyer and elsewhere say that their farms will no longer be viable under the proposed water allocations due to take effect from 1 July next year.

Our great food producing Lockyer Valley will shut down because the government seems to be oblivious to the fact that, whilst general revenue benefits, the Lockyer dies. Many farmers say that they will be forced to sell their farms—if they can—or face certain bankruptcy. Between the government's water tax collector, SunWater, and the Department of Natural Resources and Mines, the Lockyer farmers face being economically choked out of existence. I understand from the Department of Natural Resources that water allocations were worked out without any land use management study to guide the impact on farm viability. And, worse, water allocations are based on historical rainfall patterns over the past decade, which are not expected to occur in future years owing to destabilising drought effects from El Nino.

We now have this new water threat called WAMP. I understand that the former Water Resources Commission has, over time, made a significant investment in dams for farmers. In many cases, those same farmers are locked into a contractual arrangement to offset the cost of building a dam for a particular area. In the Lockyer Valley we have the ludicrous situation where the Bill Gunn Dam, formerly known as Lake Dyer and Lake Clarendon, is not delivering water to agreed specifications. How would members like to pay a minimum 75 per cent of the agreed amount to SunWater for a dam that can only manage 25 per cent capacity?

Farmers in central Lockyer have expressed their disgust at how SunWater can charge them for water they cannot get out of Bill Gunn Dam. We have certainly had our droughts and unseasonably dry periods, but imagine how farmers feel when they see overland water flowing past the totally inadequate water intakes of Bill Gunn Dam and Lake Clarendon. Perhaps we need go no further than the Darling Downs, where ring tanks cover some 22 hectares and hold approximately 600 megalitres. This sounds great, but the Department of Natural Resources and Mining is going to take away flood licences and replace them with WAMPs under the Water Act 2000.

For example, let us look at how an efficient overland water flow system using flood licences is going to be attacked by this method. Let us take the Leslie Dam at Warwick. It was originally designed to provide water to Darling Downs farmers using a system of flood gauges and licences to give farmers access to the water. The Leslie Dam contains as much water as Sydney Harbour, but the dam operates off the Condamine River. If a farmer gets low on water, he or she could ring SunWater and ask it to let down so much more water, and that may take up to two days depending on where the farm is located relative to the Leslie Dam. The farmer is entitled to access only the volume of water shown on the flood licence issued by the old Water Resources Commission dating back to the 1970s.

These flood licences are very specific in that farmers can only take out so much water at a specified flow rate and pump size from the river system. The water allocated by flood licence is measured on a water gauge at the farm. It is not unusual for a neighbouring farm to have a higher gauge reading, and that makes the farm more valuable because its water harvest rate is higher. Darling Downs farmers are using ring tanks to capture overland water supplies which land on or run onto their properties. But now farmers are going to have a WAMP control system. I understand from informed farm sources that thousands of dormant flood licences will be wiped out by WAMP.

It is interesting to note that of the available water in the Condamine River Queensland farmers are only drawing 15 per cent while New South Wales farmers are taking 85 per cent when the Condamine becomes the Darling River. South Australian farmers take more than 1,000 per cent of available water from the Murray River, citing increased volumes from the Darling.

Time expired.

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (6.12 p.m.): I move the following amendment—

That all words after 'this House' be omitted and the following words be inserted—

'Commends the Beattie government for its commitment to water reform as the most effective and cost-efficient means of delivering greater certainty of water supply to Queensland communities and industry as well as achieving sustainable environmental outcomes.'

I did have a prepared speech to make tonight, but after listening to the contributions of the mover and seconder of tonight's motion I feel compelled to depart from my prepared speech to perhaps try to introduce both honourable members to water resource planning processes in this state. I am sad to say that in the eight-odd months since those two members have been in this place they have clearly not listened to anything I have said about water reform and listened to nothing my friend the member for Callide has said. I start with the member for Tablelands. It is absolute arrant nonsense and grossly dishonest to suggest that irrigators in the tablelands in the Mareeba-Dimbulah irrigation scheme are paying for Lang Park as a result of having to pay lower bound rates. That is absolute arrant nonsense. The establishment of SunWater and the price paths that have been put in place—

Mr Seeney: What about the fellows in the Burdekin? It is not arrant nonsense.

Mr ROBERTSON: I acknowledge the interjection of my friend the member for Callide. These are the price paths that the National Party sought to implement when it was in government.

Mr Seeney: That is not right.

Mr ROBERTSON: In terms of the phase-in arrangements that this government—

Mr SEENEY: I rise to a point of order.

Mr ROBERTSON: There is no point of order.

Mr SPEAKER: The member can give his point of order.

Mr SEENEY: The minister is maliciously misleading the House. He knows that to be false. It is quite simply wrong. The concept of the price paths were introduced by the previous government.

Mr ROBERTSON: Stop wasting my time.

Mr SEENEY: The quantum of the price increases—

Mr SPEAKER: Order! The member is debating the issue.

Mr SEENEY: The quantum of the price increases is the responsibility of the current minister—

Mr SPEAKER: Order! The member is now debating the issue. He had the opportunity to speak to the motion if he wished.

Mr ROBERTSON: In fact, I am pleased that the member for Callide has finally interposed in this debate, because something is absent from the speakers list tonight. What is that? The fact that not one member of the National Party has stood up in this place to debate and support this motion. Why is that the case? Because what he just said was completely wrong. The price paths that we put in place recognise the difficulties that many areas of this state are going through. That is why we have five- and seven-year price paths. If the National Party was still in power today, member for Tablelands, the price paths that they would be paying in five to seven years time would be applying right now.

Mr SEENEY: I rise to a point of order. That is quite untrue. The minister knows it to be untrue. He is misleading the House in an irresponsible way.

Mr SPEAKER: Order! The member has to have a proper point of order. That is a frivolous point of order.

Mr SEENEY: The minister knows that that is untrue.

Mr SPEAKER: Order! This is a frivolous point of order.

Mr ROBERTSON: The best way that I can respond to the presentation of the member for Tablelands is to invite her to a full briefing provided by SunWater—and this is a genuine offer—in order to explain what the price paths mean, how they were determined, how they will be implemented and issues to do with, if you like, following the money trail around the place. After that briefing she will have the capacity to make up her own mind. In relation to the member for Lockyer, I need to say a number of things. He said that there has been an attempt by this government to stop the building of ring tanks and that, in his view, we should allow continued development of ring tanks to occur. The problem with that is that there is only a finite amount of water that flows on this earth. If we continue to build ring tanks, the one thing that happens is that no water makes it into the rivers at all. That is the challenge we face on the Darling Downs. The

level of development is such along the Condamine-Balonne that we have had to put moratoriums in place to retain the health of the river, because the flood harvesters, given the size of their developments, suck that much water—

Mr Horan interjected.

Mr ROBERTSON: Oh, shut up!

Mr Horan: You've got all the figures wrong.

Mr SPEAKER: Order! Minister, that is unparliamentary.

Mr ROBERTSON: When your IQ reaches 50, I recommend you sell, because you'll never—

Mr HORAN: I rise to a point of order. There has to be a better way for a minister to speak in this House, because the way that minister speaks reflects the arrogance of the Beattie government.

Mr SPEAKER: Order! The minister's time has expired.

Mr ROBERTSON: Thank you for wasting my time.

Mr SPEAKER: I call the honourable member for Burnett.

Mr ROBERTSON: It is a simple proposition.

Mr SPEAKER: Order, Minister! Your time has expired.

Time expired.

Mr STRONG (Burnett—ALP) (6.18 p.m.): I rise to second the motion moved by the minister and hope to explain a few things to my fellow members. Honourable members would be aware that when the water planning process first commenced under the Beattie government it was a new approach to water allocation and management. Our approach has been one of ongoing improvement on the basis of lessons learnt during the development of each water resource plan and on the basis of new technology and science that arises out of a range of research projects that government departments and related organisations are involved in.

Whilst there will always be a need for improvement in various aspects of the process, science and technology, the current framework is still acknowledged as one of the best in Australia. A number of initiatives are being undertaken by the government to improve both the planning process and the way in which existing and future plans will be implemented under the Water Act 2000. Public consultation has always been the cornerstone of this government's approach to the water reform process. Draft water resource plans are already subject to scrutiny and input by regional community reference panels that are representative of a wide range of local stakeholders.

These panels provide a forum for two-way communication on issues, analysis and approaches to managing a basin's water resources. The government is constantly reviewing ways to improve public consultation processes to give stakeholders their say about decisions affecting the delivery of water to their communities and industries. For example, only yesterday the Minister for Natural Resources and Minister for Mines introduced amendments to the Water Act 2000 to establish a reference panel to consider exceptional circumstances preventing waterworks from being completed in time for moratorium deadlines in the Murray-Darling and Fitzroy basins.

Mr Seeney: Tell us about the Paradise dam. I want to know when it is going to be built.

Mr STRONG: The Paradise dam hopefully will be completed in due time with the help of the federal parliament.

This panel will give water users a right of appeal to complete works under construction at the time a moratorium is introduced. The Department of Natural Resources and Mines is also currently putting in place arrangements to establish a reference group comprising peak stakeholder and government representation to provide input to water reform implementation issues.

In order to improve the scientific basis for specifying ecological outcomes and monitoring requirements in our resource operation plants, the department is undertaking a range of research initiatives in various parts of the state. Research studies include projects in the Fitzroy and Condamine-Balonne river basins to provide cost-effective and practical indicators of stream health as affected by flow changes and land use changes, biological monitoring research to establish a monitoring framework for south-east Queensland rivers and a project to establish a monitoring framework for flows, water quality and river condition in the Murray-Darling river system. These projects will provide the framework for implementing new monitoring systems in the respective

project catchments and future plan areas. In addition, the department spends some $1.3 million per annum on collection and analysis of ambient water quality, sediment and biological monitoring systems. These are just a few of the improvements being made to the water reform process by the Beattie government. As I said at the outset, this government constantly reviews its water reform processes with a view to making ongoing improvements to the process in consultation with stakeholders.

Water is our most scarce and precious natural resource, and as a community we need to get value out of every drop. The framework for achieving our water reform goals and desired environmental outcomes is contained in the Water Act 2000, which gives Queensland the necessary legislative framework to deliver the bulk of our COAG water reform obligations while continuing to manage our precious water resource in a sustainable manner. I believe that the government should be commended for its commitment to water reform.

Miss ELISA ROBERTS (Gympie—ONP) (6.22 p.m.): I rise to speak of the detrimental effects that the Water Act 2000 has on Queensland farmers. I therefore oppose the minister's amendment. It is my belief, and that of a number of Queensland irrigators, that this legislation is both unreasonable and unjust. This act fails to recognise that water users have ownership rights to the water they have acquired, developed and used over a considerable period of time. It does not recognise the rights that water users have had under previous water legislation, which enabled them to appeal any act by governments aimed at reducing their rights.

This act does not provide water users with any security of entitlement, as this entitlement may be adjusted every 10 years. It does not provide for water users to be compensated if their existing entitlements are cut now or when their entitlements are reviewed every 10 years. Irrigators understand that governments must ensure that the allocation and use of water is environmentally sustainable, particularly as the demand for water is growing in Queensland catchments. What is not reasonable is the fact that it is the existing water users and their communities who have to bear the costs of these controls.

There is no requirement in the Water Act for the state government to measure the impact of water allocation reforms to gauge whether or not any water users or communities are severely damaged as a result. To make matters worse, we are now hearing that the scientific assessment of environmental needs for catchments is being questioned. The recent Land Court case over water harvesting licences in the St George area showed that the environmental analysis conducted for the draft Condamine-Balonne plan was deficient. I understand that there are a range of problems in other catchments with the implementation of these reforms.

What all of this means is that a farmer can lose his entitlements with the introduction of these reforms. He can also lose further entitlement when reviews are conducted every 10 years. With the problems with the environmental analysis the security of his new water entitlement is far from assured. The risk of all of this to his business and any further investment has increased significantly, and communities which depend on this business will suffer and continue to suffer. Farmers were promised property rights and good science to back their rights. They will not receive either. They are being required to meet the costs of these reforms whilst wider communities will reap the benefits.

At the federal level it appears that the need for property rights and compensation for the impact of reforms is recognised. In his speech last August at the National Press Club, Prime Minister John Howard said—

> In the process the property rights of individual Australians must be fully respected. The right to compensation must be included in our policy prescriptions.

John Anderson also supported this view when he committed the federal government to carry out a public interest test to ensure that the impact of reforms on rural and regional communities is addressed. He also indicated that the state governments would be required to undertake public consultation when a reform is proposed and public education when a reform is implemented.

It is also noted that Kim Beazley and Nick Bolkus have indicated that land affected by conservation legislation can be bought from the land-holder, have a conservation covenant placed on the land and then resold to a sympathetic buyer as a way of achieving a compensation arrangement. There have been few statements such as these from the state governments, even though the states are the beneficiaries of substantial competition policy payments from the Commonwealth government.

The Queensland government should, as a matter of urgency, address the problems outlined regarding the Water Act and the implementation of water reforms. The following amendments to

the act are recommended. The act should specifically require the government to undertake a full assessment of the impact of water reforms on water users and local communities. Water users should have the right to appeal over any cut in water entitlements. There should be provision for compensation to water users for loss of entitlement. Communities should be able to access adjustment assistance for the impact of reforms. There should be provision in the act for a water entitlement tenure in excess of 20 years. Any cut in entitlement should be compensated for.

Hon. K. W. HAYWARD (Kallangur—ALP) (6.26 p.m.): It is a pleasure to speak in this debate tonight against the motion moved and in favour of the amendment moved by the minister. The issue of water is a very emotional one, especially the use of water, because immense parts of Queensland and Australia are suffering from drought.

This evening the member for Tablelands, who moved this motion, spoke about the issue of viability of farms in her own region. She said that the viability of those farms is affected by the cost of water. I strongly support these water reforms because water is an incredibly valuable asset. It is the difference between a viable farm and, for a lot of people, a dust bowl. It is the difference between a crop and no crop. It is the difference between an income and no income. As a bank manager once said to me, 'The access to and availability of water means the difference in whether or not we will finance your crop.' In essence, this is really about people running their businesses and deciding what they want to do. It is important to recognise that water is an incredibly valuable resource. We need to understand that and to work for reforms to ensure that the resource is there and is available to people. We need to give them some certainty in their farming enterprise.

I refer to something said by a speaker from the other side of the House which upset me. The member spoke about the importance of ring tanks and how people should be able to construct them. This is an emotional issue, but when those opposite talk about water harvesters they accept that a scarce resource is being grabbed by a few people because they have put big ring tanks or whatever on their properties. The member for Callide would know this. I have missed hearing from him tonight; I thought he might have been speaking in this debate. If members go out to a property in, say, St George and talk about water harvesters—the member for Callide is looking at me because he knows this is the case—they will find that people hate them because people cannot get any certainty about their own irrigated plan, because the harvesters take away the water. That means that the water they have paid for through their allocation is simply unavailable to them. As the minister pointed out earlier, when rain comes down that water then flows towards the river. Gravity is involved and it takes the water towards the river. Some people from One Nation had some difficulty in understanding that. If that water is captured, it then cannot go into the river, so it takes away that essence of certainty. I do not want to get off this issue, but it is extremely important that we understand the damage that water harvesters can do and the difficulty that they create in water reform and in the development of a framework for water reform.

In 1994, as most members of this parliament would know, all Australian states and the Commonwealth agreed to a comprehensive water reform framework. And coming back to what the member for Tablelands was talking about, that framework developed an important element in relation to rural irrigation pricing reform. Tranche payments under the national competition policy agreements are dependent on the states progressing those reforms. That is the pressure that all states have agreed to. The Commonwealth agreed with the states in 1994, and all governments since then have agreed to it.

We meet these requirements so that we can progress these reforms. But the reforms are extremely important because they are about ensuring the viability of rural industry in this state. I assume that is one of the reasons why the member for Callide did not involve himself in this debate tonight. When we look at issues like water harvesting and support things like that, we immediately remove the issue of certainty for many farmers in this state and put them in a position where we can have all the water reform we like but we cannot make any progress in actually getting water to their properties.

Time expired.

Dr KINGSTON (Maryborough—Ind) (6.31 p.m.): I rise to support the original motion. The member for Gympie has covered the equity shortfalls of this bill very well. I want to mention the more personal concerns of farmers in the Wide Bay district and those in the Mary River catchment in particular. They have two major concerns about SunWater's current approach to irrigation water charges. The first concerns price. Apparently, SunWater wishes to recover all supervision and distribution costs directly from irrigation farmers.

I refer the minister to a very significant and recent study by the World Bank. This study found that large dams and irrigation schemes cannot be supported by only the recipients of the water. The benefits of an irrigation scheme flow throughout the target community with a significant multiplying impact. According to the World Bank study, the costs must be borne by the wider community sharing in the benefits, both direct and indirect, that is, the whole impact zone. One has only to watch the endless march of semitrailers full of high quality horticultural products travelling from the Emerald irrigation scheme to Sydney and Melbourne to realise how wide the impact zone is.

The second concern is that the future allocations of water, at least from the Lower Mary scheme, will be auctioned. Such an auction system could lead to the purchase of allocation, which does not optimise the benefits of the available but limited water. Such a system will not necessarily consider soil types, topography, et cetera, thus it could lead to poor natural resource use.

Of wider concern is the fact that Australia is the driest continent in the inhabited world. This is not appreciated by many of the people who wish to migrate to what they think is the land of milk and honey, not a land of harsh climates. The fact that the majority of Australia is dry and subject to great climate variability has led to a prolonged discussion concerning just how many people Australia can support in a sustainable manner. The current conservative estimate is around 25 million people.

When water is the lifeblood of a country, I strongly suggest that the government should be strongly encouraging communities and farmers to build dams and storages and, consistent with the results of aggressive marketing, produce to the sustainable capacity of their country. When one looks at the intensity of land use in Holland and some Asian countries, then it is obvious that we are underutilising our resources.

To emphasise this point, I seek permission to table this document, which is the preliminary release—taking place tonight at the Institute of Engineers—of a study of the demands on the Mary River by two students at the Queensland University of Technology. The study has recorded current demands on the Mary River and calculated demands 20 years from now based on projected population growth. Projections concerning the number of people reliant on the Mary River 20 years from now range around 600,000. And those people have to be fed and watered. The conclusion at this time in this study is that demand will exceed capacity. Keep in mind that the Mary is the most reliable river in Queensland. Despite this, significant additional water conservation measures will be necessary to support the projected population and to feed them. Thus I conclude that the government should be encouraging—in fact subsidising—farmers and citizens generally to store water for their own use and to use that water for productive and responsible purposes.

There are many ways in which the use of water can be optimised, ranging from house water tanks to off-stream storage and desalination. I emphasise to the minister that we have watered 2,000 cattle by desalination in the Rockhampton area. I am confident that our population, both urban and rural, will respond positively to this increasing need for water provided the government creates the correct legislative environment. But I am very concerned that the current restrictive environment being implemented by this government is not regarded as encouraging by water users and thus the positive response that we will so badly need will not be forthcoming. It is expensive to store water. People need encouragement and security of tenure to spend.

Time expired.

Dr LESLEY CLARK (Barron River—ALP) (6.36 p.m.): The member for Tablelands has painted a picture of the Beattie government as dictatorial and uncaring with respect to the problems facing farmers and irrigators in particular. I absolutely refute that. There is no question that the government and SunWater have been talking at length with representatives of the irrigation schemes which have concerns about the price paths, and I myself have taken a role in that. We are obviously concerned and keen to continue working with irrigators to end the impasse that has occurred over water price paths.

In my role as the Parliamentary Secretary to the Premier in Far North Queensland, I recently facilitated a meeting between SunWater and Mareeba irrigators—at their request—on this issue. The people who attended that meeting representing the irrigators were George Adil, Trevor Adil, Joe Moro and Murray Smith. I would like to put on record their strong advocacy for their constituency. They certainly presented their case very well. They argued their points very clearly, and I commend them for that. Also, I commend them for their constructive approach. The

meetings we have had have certainly been ones where we have been proactively trying to resolve this issue together in a constructive way, and I do commend them for that.

Whereas it has not been possible, as members know, to reverse the five-year water price path—and that has been explained, and the reasons why that is not possible have been confirmed in this House—the meetings I have been having with irrigators have nonetheless been very productive and very useful. First of all, they enabled them to meet with the Premier when we held the community cabinet in Cairns, and they were able to meet not only with the Premier but directly with the Minister for Natural Resources, Stephen Robertson, and the Minister for Primary Industries.

Out of those discussions we now have a range of options on the table to examine and prepare a response to the irrigators, addressing a whole range of other things surrounding their industries, because we are looking for an industry wide response to this. The problems that irrigators are experiencing on the tableland are far wider than just water charges, and we need a whole-of-government response to deal with those.

That is what is happening at present. The Premier's office is coordinating a whole-of-government response to the irrigators—the kind of things that they wanted us to examine. For example, we are looking at fast-tracking biotechnology initiatives; we are looking at how we could provide further support in terms of the control of cane grubs for next year's sugarcane crop; we are talking about further support to the tea tree industry to obtain product approvals; we are looking at financial support for the establishment of a facility for filtering, blending, packaging and storing associated products; we are talking about how we can provide specific hardship relief to individual irrigators; and we are talking about how we can provide additional support when it comes to the mango slicing and packaging projects.

There is a whole range of things on the table that we are responding to. In terms of SunWater's approach, they are very concerned. They put on the table some proposals for consideration—how they might in fact assist the proposal from Golden Circle for the cannery, how we can improve the ability for them to utilise water, how we can provide some assistance to the industry so that we can identify who is experiencing hardship and how we can help them make their properties more viable.

I want to reiterate that the government is committed to assisting irrigators in every way possible through this water price path transition period. That is what I am involved in on the tablelands. I am very happy to work with the member for Tablelands, because I think that together we can work with the irrigators and with the primary producers in a cooperative fashion. I urge her to take up the minister's offer of a full briefing on this issue.

It is important to note that irrigators are not being asked to pay the full commercial cost for water. Price paths seek only to recover operating and maintenance costs, administration costs and long-term refurbishment needs. Over that time, the difference between what irrigators pay and the minimum price level will be met by the state government to ensure that certainty, viability and sustainability of schemes such as the one at Mareeba are evident.

Mr Robertson: $8 million this year.

Dr CLARK: Exactly. They are putting a whole lot of money towards that. That is the efficiency that we are talking about. We are removing that burden from the irrigators. Meanwhile, we have given an undertaking to conduct a full review of the SunWater costs three years from now. The irrigators will be involved in that in a very meaningful way. We have also seen the formation of customer councils, which is an important part of developing a strong working relationship with the irrigators and SunWater.

Time expired.

Mr HOPPER (Darling Downs—Ind) (6.42 p.m.): I rise to support the motion moved by the member for Tablelands. I agree with her call for the government to review its water resource planning process.

Mr Robertson interjected.

Mr HOPPER: The minister should just wait until he hears what I have to say.

Competition reform in water has failed to adhere to the signed-off processes as set out in the Council of Australian Governments agreement of 1995 and ignores almost entirely the change management obligations. The current process has failed to lead the irrigation community into a sustainable marketplace. Indeed, there have been significant reductions in asset security. This

reduction in asset security has yet to be managed or even recognised by the state agency reform process.

The security of the water asset should be re-established by having a clearly defined property right for water that provides security equivalent to the security held prior to the separating of land and water titles, the mobilisation of water trading and the recognition of environmental water rights. It should be noted that the test of this regained status would be recognition by the valuation and finance sectors such that the security as redefined was similar to that established and recognised for land. Alternatively, economic studies would have to be conducted to determine the time frame that would provide significant security for investment, finance and land development considerations, both on the farms and in the supporting regional communities. These would need to take into account the changes the industry has already endured as well as the proposed changes.

To progress, the industry needs an accurate assessment of why the current reform programs are not adhering to the agreed process and outcomes management at the state implementation level. This would appear to be the result of the reform process at state level and the application of the reform program becoming ad hoc. The industry needs to highlight the role of the state agencies where they have been running a coercive and often deceptive process. An assessment of these needs highlights the requirement for independent management roles being established to avoid government agencies acting as the servants of state treasuries rather than people who implement and manage fair and equitable change.

The industry needs, in conjunction with the National Competition Council, to develop standardised approaches to reform. These still serve to give confidence to anyone caught in a politically driven reform process that the standards applied will be consistent no matter where the community undergoing reform is located. These standardised approaches can then be used in the overall national competition policy process as well as more specifically in the salinity management task that is now being processed.

The wider rural water industry needs the involvement of local government and regional development backing to gain the Beattie government's support for any amendments to water reform. The process of rural development and the subsequent production that has risen out of regulated water allocations has been one based on a legal process or program developed and implemented with the full understanding, involvement and oversight of the relevant state regulators. If, as it seems, more water will be required to be allocated to the environment, then governments, both state and federal, need to recognise that this will involve widespread disruption and angst to river and regional communities with the potential loss of widespread collateral infrastructure.

These regional economic and social landscapes are well established and deserve better than the callous bureaucratic removal of their economic lifeblood, with the subsequent economic dominoes continuing to fall for many years to come and with no recognition given to the irresponsible political push that has been applied. It should be noted that a further extension of current concepts is that at the completion of a reform program, the business activity of a region could be expected to have changed but the social landscape should be preserved. This concept is linked to the preservation of critical mass by providing new opportunities and preserving local infrastructure.

We all recognise that in any significant reform process people may be economically, if not physically, displaced. This group of people needs to be presented with new opportunities and provided with assistance to enter into these new opportunities. The assistance needs to be made available both to the individual and to the region, which is more of an issue to local government and regional development than it is to industry. This is the most expensive and neglected aspect of the current reform program. It is expensive to undertake but far more expensive not to be undertaken. I envisage the success to be measured by keeping these people from long-term welfare, not in long-term welfare.

Mr MULHERIN (Mackay—ALP) (6.46 p.m.): The Beattie government is committed to water reform as the most effective and cost-efficient means of delivering certainty of water supply to communities and industry as well as achieving sustainable environmental outcomes. The Water Act 2000 aims to improve the security of supply for users, ensure that future water developments are sustainable and protect the health of our rivers and catchments.

One of the major components of the legislation was the introduction of comprehensive systems of water allocations, including the determination of clearly specified water entitlements,

the provision of water for the environment and water trading arrangements. Administrative decisions made under the Water Act are subject to appeal, initially through internal review and, secondly, through the Land Court. So when the member for Tablelands said that there was no right of appeal, she was completely wrong. She should take up the offer, along with the member for Lockyer, to have the briefing by the minister's office on the whole issue of water reform.

There is one exception, and that relates to the conversion from existing water licences to tradeable water allocation. The Water Act provides a process for converting people's existing licences to tradeable water allocations. This happens through a two-stage process. Firstly, a water resource plan is developed to determine how much water there is available in the catchment. That has already happened in the Fitzroy. This planning process is done under the guidance of community reference panels. Draft plans are prepared and then final plans are made. Water resource plans set the broad rules for allocation decisions and, where decisions are not consistent with the plan, there may be an appeal.

Following that process, a resource operations plan is prepared to determine the sharing arrangements for the available water. A resource operations plan will be released initially as a draft, with details of the conversions of irrigators' licences appearing as a schedule to the plan. If people object to the conversions, they can argue their case through a submission to the referral panel that has been set up under the act. The referral panel considers the submissions and makes recommendations to the chief executive of the Department of Natural Resources and Mines. The chief executive also has the role of approving resource operation plans.

Once a resource operation plan has been approved, there may be an appeal to the Land Court if the chief executive's decision is inconsistent with conversion levels prescribed in the plan or a different decision consistent with the plan could have been made. Basically, once a plan is approved, all decisions regarding the allocation of water must be made in accordance with the plan. Generally, such decisions fall under the jurisdiction of the chief executive and, if made in accordance with the plan, cannot be appealed unless they are inconsistent with the plan or that a different decision could have been made that would have been consistent with the plan. For example, if a plan provides that area-based licences can be converted to a maximum of seven megalitres per hectare and the chief executive makes the decision to convert at five, affected irrigators have the right to appeal the decision.

However, to allow an appeal against a conversion consistent with what is prescribed in a resource operation plan would undermine the whole purpose of the water resource planning framework. It would also have the potential to jeopardise the tradeable water allocations of other irrigators in the same catchment.

The water resource planning process is about ensuring a fair, equitable and cost effective distribution of water—our most precious resource. That means balancing the needs and interests of all water users, communities and the environment, which is the underlying principle of the water resource planning process.

Water reform is delivering certainty to industry and communities, as well as achieving sustainable environmental outcomes. I believe the government should be commended for its commitment to water reform as the most effective means of delivering certainty of water supply to all Queensland water users.

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

AYES, 55—Barry, Beattie, Bligh, Boyle, Bredhauer, Briskey, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Fouras, Hayward, Jarratt, Keech, Lavarch, Lee, Livingstone, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reeves, N. Roberts, Robertson, Rodgers, Schwarten, C. Scott, D. Scott, Shine, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell

NOES, 20—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Watson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Mr SPEAKER: Any future divisions on this motion will be of two minutes duration.

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

AYES, 55—Barry, Beattie, Bligh, Boyle, Bredhauer, Briskey, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Fouras, Hayward, Jarratt, Keech, Lawlor, Lee, Livingstone, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reeves, N. Roberts, Robertson, Rodgers, Schwarten, C. Scott, D. Scott, Shine, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell

NOES, 20—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Watson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Sitting suspended from 7.02 p.m. to 8.30 p.m.

ELECTORAL (TRAVELLERS' ADVANCE VOTES) AMENDMENT BILL

Second Reading

Resumed from 17 May (see p. 983).

Mr SPRINGBORG (Southern Downs—NPA) (8.30 p.m.): I thought the Attorney-General might have liked to give us the government's point of view. Perhaps he will do so as the debate goes on. Perhaps he is thinking of something to say.

I commend the honourable member for Nicklin for bringing this bill before the House. I indicate that the opposition will be supporting the Electoral (Travellers' Advance Votes) Amendment Bill. I have given this issue some degree of support and consideration over a considerable period. However, I am not convinced that the bill is pure in every aspect. Certainly, the issue that it seeks to address and the way that it seeks to address it is somewhat problematic. However, having said that, I really cannot think of any other way of trying to address this problem.

Mr Welford: Ha!

Mr SPRINGBORG: I would love to hear what the Attorney-General has to say, because he appears to be the font of all knowledge. Obviously, if he does have a better way of fixing this problem, he will elucidate later on in his contribution and will tell us what he is going to do by way of amendment in the parliament at some future time in his tenure. I very much look forward to that.

However, at least the honourable member for Nicklin has thought about this issue. It is an issue that I am sure the Attorney-General and also many other honourable members appreciate, particularly those who have been here for some time. As we know, people come into our offices prior to elections and inquire about how they can meet the obligations of compulsory voting that we place on them in Queensland and Australia; they want to be involved in the democratic process.

Those people are aware that they will not be near either their homes or electorates at that time. Sometimes they might even be travelling beyond our shores, and that makes it extremely difficult for them to secure a postal or prepoll vote when an election has been called, the writs have been issued and things are open for postal and prepoll voting.

Similar to the experience of other honourable members, in the time I have been a member of parliament a lot of people have come into my office, as happens under our democratic process, and asked for some guidance about what they might do about voting if, for example, they were going to be overseas during an election. And we might not be able to help them. The reason that we cannot help them is that in many cases we have to say, 'Look, we do not know whether an election is going to be called or if an election has been called. The postal votes and prepoll voting processes have not started.'

So what do they do? They go on their merry way, whether it is across Europe, the United States or Africa—whatever the case may be. We say to them, 'Perhaps you can go into Australia House in London or somewhere else during the election campaign. You might be able to call home and your daughter can tell you about it so that you can find out what is going on.' In many cases, they are not as easily accessible to a place where they can vote or even put in an application form for a postal vote. And that happens for various reasons. For example, we know that it can take some weeks for the process to take its course when someone votes from overseas. Also, people might not necessarily be in London and be able to get to Australia House. So how do we overcome it? We could overcome this by bringing in some process for advance voting, as the honourable member for Nicklin has pointed out in his bill before the parliament.

I have read through the bill. It is fairly complex in what it seeks to achieve. I would say, though, by way of caution insofar as the opposition's support for this bill that, whilst we will be supporting it, we are not totally convinced that this is the best way to go about achieving this objective. I believe there is a need for us to look at this issue.

Ms Boyle: One foot in each camp!

Mr SPRINGBORG: At the end of the day, the reason that we are supporting this is that we believe a very real issue has been identified and it is something that we need to look at. I have said that I am not convinced that this is the best way to do it, but at least it is something for us to start with. I do not think we should stand up in here later on and just dismiss it and say, 'That's it. It is all over and done with.' It gives us something to work with. Perhaps if it gets through the second reading stage, which is highly unlikely given the government's significant majority, we could even look at amendments. As we know, the Attorney-General has the resources of the department to be able to look at these matters.

I do not know what has happened in other countries where this issue has come to the fore. There are only a couple of other countries in the world that we know of that have compulsory voting. That then imposes an obligation on Queenslanders and Australians to cast a vote to decide who will be their democratically elected government for the next three years or, in the case of other states, for the next four years. If we are compelling people to turn up to cast their vote and we know that there are situations where they might not be able to do so, even though they have made all reasonable efforts to inquire how but by reason of family, travel or prior obligation they cannot, we need to come up with ways to ensure that those contingencies can be met. This might not be the perfect way to do it, but it is one step that we can take.

Certainly, there are some things in the bill that are up in the air. For example, I cite matters such as having ballot papers printed similar to those for the last election and presuming that the candidates will be similar to those who stood for the party at the last state election, also assuming that an Independent incumbent member might be standing for re-election and that perhaps other candidates will be standing for election in that seat. I know that is somewhat problematic. Other than by having an advance voting system suggested in this bill, I am not sure how else you would do that.

I believe it is something that is worthy of proper consideration by this parliament. It does appear that the government will vote it down tonight and perhaps other non-government members will also vote it down. However, my challenge to honourable members and perhaps even to members of LCARC would be: when and if this parliament does make that decision, we should look seriously at a real alternative that meets the genuine objectives that the honourable member for Nicklin has sought to meet in bringing this bill before the parliament.

Because of the genuine effort and thought he has put into the bill, although it does have some difficulties it is worthy of the support of this parliament. If it gets through to the second reading stage, obviously we can discuss ways of making it work more effectively. That is why the National Party opposition will be supporting it.

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (8.38 p.m.): The government has indicated to the member for Nicklin that, although we agree, as the previous speaker said, that he has proposed this initiative with the very best of intentions, we do not believe it is workable. Quite apart from acknowledging that it would be nice to do something for those people who go away during an election—and from time to time all of us in our respective electorates encounter people who in the run-up to an election are about to go overseas; the election has not been called, the date is not known and the candidates have not been declared—we all feel some desire to be able to accommodate those people's genuine wish to vote.

However, for some reasons that I will outline, the government believes that, notwithstanding our best intentions, this proposal is frankly unworkable if not at risk of working quite unfairly. It is understandable that in the context in which the member for Nicklin may have been approached by constituents who see the benefit in being able to nominate someone they know who is likely to stand for election, I think the corollary or the flip side of that coin is that candidates who might represent new parties or Independent candidates and who may have an equal claim to bid for election at election time are seriously disadvantaged by such an initiative. I think that runs counter to the concept of electoral fairness to which we all broadly subscribe, namely, that when a person casts their vote one would think that they can really only do that in the full knowledge of all the voting options.

It is true that some people may know the sitting member, for example, and say that they do not care who else proposes to stand, they are going to give their vote to the existing member. Again, while one can understand that people may wish to make that choice, the concept of exercising a proper vote, in my view, does carry with it the notion that you are exercising a choice among others of which you have some capacity to make judgment. That capacity is denied any

voter if, in fact, their vote is exercised in circumstances in which they are not making a choice between candidates but simply nominating a possible candidate.

According to this bill, a person may put a name on a ballot paper of a person who they think is likely to stand for election, whether it be for a political party or as an Independent. Of course, in the case of a political party, it is always possible that, between that time and the declaration of candidates for the election, parties have a different view about who their best candidate for that particular seat might be. It is not beyond the bounds of possibility that in all parties a different candidate might stand. What happens to that person's vote if, in fact, they might be a genuine and committed National Party voter nominating the name of a person who they think might stand only to see the National Party disendorse that person? Maybe they were a Liberal Party candidate by the name of Pauline Hanson who suddenly did something against the interests of the party for which she was proposing to nominate. Then the person who wanted to vote for a Liberal candidate suddenly found that their choice was not a Liberal candidate anymore.

Mr Cummins: There was no Liberal Party member endorsed.

Mr WELFORD: That is right. That is their difficulty: if they vote for someone because the person is proposing to stand for a political party and then the political party does not have a candidate standing, then obviously they have a real problem. I think there are those very real, practical difficulties.

As honourable members know, the government is looking at a comprehensive reform package for the Electoral Act. We at least acknowledge that the issue of the types of declaration votes that might be cast and the issue of people who are overseas having the greatest possible opportunity to cast a vote are worthy of consideration. In relation to declaration votes, whether they be postal votes or whatever, we are prepared to have a further look at what options may be available for people. Of course, in an ideal world we would want to be able to give a vote to everyone who wants to vote. That is the concept of a democracy.

But, of course, we do not always live in an ideal world. There may be the odd circumstance when someone travels overseas in such a remote location that it is just one of those unfortunate circumstances in which they cannot manage, notwithstanding the postal vote system, to cast a valid vote. The idea that people can vote for what are effectively unknown candidates before an election is even called and the risk that their vote may not be able to flow to a valid candidate at all seems to me to raise practical difficulties with the proposal of such a dimension that we really need to give this further thought before giving it an endorsement.

In that context I am surprised, frankly, that the National Party is proposing to support the proposal. As I say, the government is in full sympathy with the idea that we should seek to give people the maximum opportunity to cast a vote. There are some people who in these circumstances will go away before an election is called. So the conventional postal vote system will not necessarily help them. I would have thought that there would have been enough electoral history in the National Party for it to be a bit more cautious about a circumstance such as this which really is very open.

We wonder, for example, why the National Party would not be concerned that there might be some avenue for electoral fraud arising from the level of flexibility that the proposal, as it is drafted, might facilitate. Under the proposal voters will be able to lodge a vote up to six months before polling day. The reality is that, if an election is held during that time, there is no particular mechanism for knowing whether in fact the so-called intending traveller will be still eligible to vote at election time. For example, how do we find out whether within that six months the person took up permanent residence overseas or, indeed, interstate? They may even die. What is the effect of their vote in those circumstances? Under the bill as it is currently drafted, as I understand it, their vote would still be able to be counted. I do not think that was the intention of the member for Nicklin, but it is the effect of the proposal before us.

I suppose there is also the possibility that a person may cast or seek to lodge one of these advance votes on behalf of a person who may still be on the roll in Queensland but who the person casting the vote knows is overseas such that the person casting the vote is not the same person as the person who is overseas. The person who is overseas may be overseas well before the six month period, but someone else who knows they are over there may seek to cast a vote on their behalf.

Mr Springborg interjected.

Mr WELFORD: But there is no current provision in this bill or the electoral provisions as they currently exist to ensure that that cannot occur.

Time expired.

Mr BELL (Surfers Paradise—Ind) (8.50 p.m.): I support the bill before the House, although I, too, confirm that I find it somewhat complex and complicated. But perhaps it is only complex and complicated because it is novel. Certainly when many other pieces of legislation are put into practice and become commonplace, they are regarded as being quite easy to interpret and to administer.

I have to agree with the comments of the member for Nicklin and the Attorney-General that as members of parliament we find that people planning trips overseas do approach us and are very concerned about their inability to vote in the circumstances. Some of these people are very passionate. Indeed, I have experienced precisely the same thing over the years in Gold Coast City Council elections. When people move about, particularly overseas but even within our own country, it is quite unsatisfactory to rely upon the traditional postal voting provisions. If one cannot be certain of an address, then postal voting is a very chancy possibility. Equally, in some countries overseas the postal service itself leaves a lot to be desired. It is quite feasible that people might have a semi-permanent address in certain countries but that the mail will still not get through.

I ask this of honourable members who are not supporting this bill: what do they say to members of the public who come to them with problems prior to departure for lengthy holidays? Is one to say that one is not prepared to do anything? Is one to say that one hopes to be able to devise perhaps an improved version of the bill now before the House? I think it is worthy to consider alternatives. I was certainly very pleased to hear the Attorney-General say that his government is prepared to look at the concept with a view to trying to find some resolution for the problem before us. However, I have enough confidence in the honourable member for Nicklin and also in the parliamentary draftsmen to support the bill presently before the House. They have considered the available alternatives. After that consideration, it does appear that the bill before us is the best available alternative. Here is an opportunity to rectify an omission, to respond to the anxiety of people who really and truly do value their vote and to make Queensland a leader of electoral reform in the democratic world. I certainly commend the bill to the House.

Mr QUINN (Robina—Lib) (8.52 p.m.): In rising to speak to the Electoral (Travellers' Advance Votes) Amendment Bill I indicate at the outset that I will not be supporting the bill. The member for Nicklin, Mr Wellington, has introduced this bill in an attempt to allow all constituents travelling overseas their democratic right to vote. Whilst I applaud the sentiment behind the bill in encouraging all Queenslanders to vote regardless of where they are in the world, I believe that the practical application of this bill would be problematic and unrealistic. More fundamentally, as a matter of principle, I could not support an election where voters cast their votes before the complete list of candidates is known. In my view, this has the potential to produce an inherently unfair result and could bring the electoral system in this state into disrepute. Let me give the House a scenario of what I mean.

We could have a situation where a sitting member indicates pretty early on that he intends to stand again in the election. Under this scenario, his name would go on that advance travellers voting form. Perhaps other candidates of the major parties might also indicate their intentions early on. In that situation, the traveller could apply to vote while overseas and cast his vote and that would be that. However, whilst the voter is away something may happen in the local electorate or in the state scene and in their particular electorate the result is very close and determining the winner of the seat comes down to a matter of a handful of votes. The situation could arise where at the final count the sitting member has the same number of votes as another candidate who nominated late but when nominations were still open. As a result, the vote that will decide who wins the election and becomes a member of parliament is an electoral travellers vote. The vote is opened, and whose name is on it? The sitting member's name and a couple of other people, but not the other candidate who is vying to be successful in that seat!

How can any member of parliament come into this House and claim to be legitimately elected as a member of this House when in fact the other candidate's name was not on the ballot paper? What sort of electoral system would we have? If that were to happen, we would be held up to ridicule when compared with other electoral systems by people who have an interest in electoral matters around this state and internationally. And that is the problem with this legislation. It is inherently unfair and can, in certain cases, favour the sitting candidate. It is on that point of principle that I cannot support this legislation.

Whilst I fully understand and have sympathy with the sentiments behind the intentions of the bill, and I think we should look at ways in which we can make it easier for people to vote when overseas and out of contact in particular areas, we ought not put at risk the reputation of the voting system in this state. For a long time we have nurtured it and have brought it to the point now where it is beyond reproach. The last thing we need to do now is go back and put in place a system that can be open to question. We ought not even take the first step down that track, because once we do that it opens it up for other similar sorts of things to come into play.

As a matter of principle, I do not support this legislation. If other members of the chamber are thinking of supporting it, I urge them to give serious consideration to that. It may look good on the surface, but it is what lies underneath that concerns me. The principle that every candidate should be on the ballot paper has stood the test of time for good reason. Do not move away from that now, otherwise we will run the risk of bringing the electoral system in this state into disrepute.

Mr LAWLOR (Southport—ALP) (8.56 p.m.): For once I agree with the member for Robina.

Mr Purcell: Hear, hear!

Mr LAWLOR: No, we do agree actually. There was another occasion when we agreed, and I think that was in 1967.

Mr Purcell: 1967?

Mr LAWLOR: Yes, 1967.

Mr Purcell: Good Lord!

Mr LAWLOR: We go back. I cannot remember what won the Melbourne Cup that year.

An opposition member interjected.

Mr LAWLOR: You got that right. The government opposes this bill because it is fundamentally unfair. In saying that, I am not attributing any malice to the member for Nicklin, because this proposal has been put forward in the utmost good faith. The point is that what he is trying to cover with this bill is something that may not be able to be covered. The member for Surfers Paradise asked members what they say to constituents who are going overseas and who want to vote. We simply have to say to them that, in circumstances where they will not be near Australia House in London or New York or wherever, unfortunately it is sometimes impossible to cover all contingencies. That is an unfortunate fact of life, but it is acknowledged that those rare circumstances will exist. If people then have to put that argument to the Electoral Commissioner when he attempts to fine them for not voting, that is accepted—that is, that it is simply sometimes impossible to exercise our democratic right to vote. The simple fact is that in Queensland voters should not vote for anonymous candidates.

The member for Southern Downs supports this bill, and that is a bit of a surprise, because he concedes that there are shortcomings in it. He did not propose any amendments to the bill. It is a bit contradictory to say that he supports the bill but that it does not really meet his—

Mr Purcell: Find the mark.

Mr LAWLOR: It does not hit the mark at all. The bill will create an unfair advantage for sitting members of the major parties and Independents because the ballot paper will enable the intending traveller to vote for a party that stood a candidate at the last election—that is basically the candidate who is the sitting member.

Certainly the member for Nicklin and other Independent members of this place are very well known. Obviously their names would appear on the ballot paper, but others would not. Honourable members should remember that this bill proposes that people be able to cast this 'vote' up to six months before the election. As we all know, a lot can happen in six months. Other candidates who had not yet nominated would be disadvantaged. There is a basic unfairness in this bill, even though I accept that it is well intentioned.

Mr Purcell: It is like leaving your proxy with the sitting member.

Mr LAWLOR: Absolutely, and who would do that? The bill will basically undermine the integrity of the Queensland electoral system by encouraging voters to vote for candidates whose identity is unknown at the time of the casting of the vote—indeed, before the election has even been called.

The Queensland Electoral Commission opposes the bill on the basis that it would create that unfair disadvantage for major parties and Independents who are sitting members. In his second reading speech the member for Nicklin referred to facilities on the Internet and so on. As I have

mentioned, people can vote at Australia House in various cities in the world. But for people who happen to be up the Amazon or somewhere like that, even the postie is not going to get to them. I do not think canoes are up to that sort of speed yet. The simple fact is that people may not be able to exercise their democratic right. That is unfortunate but, even if this proposal is accepted, not every situation will be addressed. It is impossible to cover all contingencies. The member for Nicklin acknowledges that. He mentioned in his speech that this is a 'just in case' vote. There will be a list of proposed candidates, but there is no way of being certain that that will be an exhaustive list of candidates, or indeed an exhaustive list of the parties.

The member for Nicklin proposes that under section 97A the commission should prepare a ballot paper that refers to the candidate of X party, the candidate of Y party and so on and that if the sitting member is an Independent, as indeed the member for Nicklin is, his or her name would be listed. There are many very popular Independent members in this House. Of course, their names would go onto that ballot paper while the names of other people who may be intending to stand or may in fact stand six months later would not appear on the ballot paper. So the whole proposed system is quite unfair.

The member for Nicklin concedes that there is no guarantee that this sort of vote will in the end be effective because the list of candidates may not correspond with those mentioned on the advance vote. Whilst this piece of legislation is well intentioned, the member has basically condemned the bill from the start by making that concession. The bill will not achieve what he seeks. His proposal is very admirable, but it simply will not work.

Mr Welford: The member for Surfers Paradise would not have been able to be nominated six months out from his election.

Mr LAWLOR: That is absolutely correct. He is one of the popular Independent members I am referring to, but in other instances there could be quite a close vote. The member for Surfers Paradise might have found that he was beaten by four votes. Those four people may have been overseas and may have voted for a party member which resulted in his being tipped out.

Mr English: If that is what Lex wants, that is what Lex gets.

Mr LAWLOR: I am sure he does in Surfers Paradise.

As I said, people will be able to lodge their vote up to six months before polling day. That in itself is a problem. By the time polling day comes around the person may no longer be eligible to vote. They may have taken up permanent residence overseas. They may have even died. Whilst I know that in years gone by there have been plenty of dead people who have actually voted, I do not see any point in encouraging it. One of the warnings on the vote would be, 'Your vote may not be fully effective if this advanced vote is issued before it is known who will be the candidate for this electoral district in the next election.' Whilst the bill is well intentioned, it simply does not hit the mark. For that reason the government opposes the bill.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (9.05 p.m.): I speak to the Electoral (Travellers' Advance Votes) Amendment Bill as one who initially opposed it. After discussions with the member for Nicklin I saw what he is trying to achieve. It is my understanding that this bill is intended for people who are quite sure that they intend to vote for the incumbent member. The member for Nicklin explained that it is for those who are very keen to see that their vote is effective and that their vote goes to the person they know is going to stand for the election in the electorate they are eligible to vote in.

There are a number of flaws in the proposal. They have been outlined by previous speakers and they will be outlined further by forthcoming speakers. However, the intention of the bill is to give those people who intend to travel an opportunity to cast a vote for a candidate they know. In most instances that is an incumbent candidate. People do not want their vote to be lost or wasted. They want an opportunity to support somebody they know. On that basis I support the proposal.

Mr SHINE (Toowoomba North—ALP) (9.06 p.m.): According to the speaker's list for this debate I was to follow the honourable member for Lockyer. I was keen to know before I spoke the attitude of One Nation to the Electoral (Travellers' Advance Votes) Amendment Bill. I say that because my recollection is—I stand to be corrected—that both the member for Lockyer and the member for Tablelands, if not the member for Gympie, would have been nominated as their party's representative for their respective seats well within that six-month period before the closure of nominations. My recollection is that in Toowoomba the One Nation candidates were nominated within a week or two of the closing of the nominations for the poll. It would therefore be interesting

to learn of their attitude. A similar point was made by my friend concerning the position of the honourable member for Surfers Paradise.

I am pleased to hear that the Liberal Party will be opposing the bill. I concur with the remarks of the honourable member for Robina. He described the proposition in the bill as being inherently unfair. I concur with that 100 per cent. Indeed, it would open a Pandora's box of potential electoral irregularities.

So far we have heard a couple of members speak in support of the proposition of the honourable member for Nicklin. Most notable, I suppose, was the member for Southern Downs, representing the National Party here tonight. His speech was curious, to say the least. He concentrated on the fact that he was not convinced that this piece of legislation is the best way to achieve its aims but that at the very most it gives us something to work with. He said that at some unspecified time in the future one should seriously look at real alternatives. I thought that the conclusion to those sorts of remarks would be that the National Party, for the time being, would oppose the bill or would come up with serious and well thought out alternatives by way of amendment. However, that is entirely unlikely, bearing in mind the remarks of the honourable member for Southern Downs.

The National Party is a bit disappointing with respect to this subject matter. Even the member for Southern Downs was not on the list of speakers. In other words, no National Party members were listed. At least we did hear from him—albeit half-heartedly in support. It is not as if the National Party, with its resources, has not had time to give proper attention to this bill. As we all know, it has been on the *Notice Paper* for some lengthy period.

The member for Surfers Paradise indicated that he would be voting in favour of the bill despite what he regarded as the great complexity of the bill. He also was prepared to look at other alternatives in the future. At best one can say only that he was unconvincing in his support of the proposed legislation.

As I see it, the bill raises the subject matter of a balance—or a contest, if you like—between, on the one hand, giving people every possible opportunity to vote in any imaginable way in an election and, on the other hand, maintaining the integrity of the voting system. The present position is outlined in the explanatory notes to the bill, but I will not bore the House by reading those out. I suspect that might be adequately covered by subsequent speakers tonight. However, the present position, as we are governed in Queensland by the Electoral Act of 1992, points out the various methods of voting, particularly in relation to voting other than on the day at the polling booth.

Also, the explanatory notes set out the difficulties that were referred to by the honourable member for Nicklin in his second reading speech. He pointed out the example of the three couples, I think, who approached him just before they were going on an overseas trip and where their itinerary was uncertain. I think we can understand those circumstances. In my limited experience as a member, but having been involved in a number of elections, I have been approached similarly, as have other members who have mentioned that fact tonight. So we do understand the motive for bringing forward this legislation. And in a sense the motive itself is quite commendable from my perspective.

The proposal under the act is to bring in a travellers' advance vote, being a kind of declaration vote as is described in more detail within the act. The curious thing about it is that one would have up to six months to cast that vote, provided that the election was called within six months of the casting of that vote, as I understand it. As the member for Everton has indicated, the government will be opposing the bill, not surprisingly because of its principles with respect to matters of electoral integrity and fairness.

Mr Springborg interjected.

Mr SHINE: I am very proud of our record in that regard. The recent events over the past 12 months indicate the determination of this government, the Beattie government, to do everything beyond the call of duty, if you like, to ensure that there is fairness and honesty in the electoral process. In fact, the government believes that this bill threatens the very cornerstone of the existing legislation, which is based on fairness and maintaining the integrity of that system.

One of the reasons why it is unfair is that voters are going to be treated differently. They are going to be given different ballot papers. They are going to have different persons and different parties on those ballot papers for the same election. In reality it will be voting by imagination. And that, in this day and age in the 21st century, is hardly maintainable. I believe that the system as

proposed will lead to uncertainty. There would be unknown and anonymous candidates. And there may not be any election called at all. That is certainly not in our Queensland tradition.

The concern about the enhancement of fraud has been referred to, and I agree with those remarks. One of the real problems associated with the bill is the secrecy surrounding the method of voting, which is alluded to in the warning itself. That warning casts doubt on the effectiveness of the manner of voting. Certainly the warning itself refers in a sense to the complexity. The warning is complex, and I agree with the member for Surfers Paradise in that regard. Whereas one does appreciate the sentiments expressed for the introduction of the bill, I strongly agree with the government's position in opposing it.

Time expired.

Mr ENGLISH (Redlands—ALP) (9.17 p.m.): I rise to support the intent behind the member for Nicklin's Electoral (Travellers' Advance Votes) Amendment Bill. It is important to differentiate, however, between the intent of the legislation and the effectiveness of the legislation. If it were possible, I would definitely support legislation to mandate world peace. However, the realistic possibility of enforcing that legislation is minimal. The ability of the legislation to achieve the desired outcome is minimal. Therefore, it is silly to pursue that course of action.

The intent behind this legislation is to allow people to have a voice during elections, and I am sympathetic to electors who, due to travel engagements, are unable to cast a vote in an election. It is important to note that all legislation, however, needs to achieve a balance. In this case it is a balance between the rights of a person to express their views by way of a vote and the fairness of the system. Unfortunately, this bill has many flaws. It is extremely vague in its wording and in how it intends to achieve the desired aim of giving expression to people's voices and their opinions.

In his second reading speech, the member for Nicklin said that the whole point of these votes is to allow an intending traveller to lodge a just-in-case vote before the election. A just-in-case vote! With the current system of how elections are called, a just-in-case vote could be cast at any time after any previous election. We do not have fixed terms, so the Premier can call an election at any time that he sees fit. So to cast a just-in-case vote before the election implies really a collection of proxies. And just for the benefit of the National Party, the Liberal Party and any Independents, I point out that I am quite happy to accept as many proxies as they wish to send my way. I will quite happily endorse them. So the vagueness in this legislation is its major flaw.

In his second reading speech the member for Nicklin stated—

Perhaps the names of extra candidates requested by the elector could be added by hand—this is the kind of thing for which details could be provided by regulation.

That is a return to the vagueness of the Joh era—'Don't you worry about that. We'll sort it out.' No, it needs to be expounded in the legislation. The intent of this bill is to allow people to vote for candidates who are not even nominated. That is insanity of the highest order. How can people vote for candidates who have not been preselected or for parties that may not yet exist? I find it incredible that that kind of detail is not explained in the legislation. We just cannot leave it at, 'Don't you worry about that. We will finetune that in the regulations.'

Certainly in this legislation there is an implied bias towards sitting members. As sitting members, we have the luxury of being known in our electorates, depending on how hard we work.

Mr Springborg: Sometimes that is a disadvantage.

Mr ENGLISH: Certainly I can understand that concern for members on the opposition benches.

The electoral process is about fairness to all candidates. It is not about a perceived bias or even a real bias to any sitting member representing whatever party. This legislation damages that objectivity. There are no candidates nominated; there is no preselection process nominated. If people elect to cast a vote, are they voting for a party? Are they voting for a person? The officers of the Electoral Commission are not mind-readers, and it is not their aim to try to get into the minds the voters. Were voters who, before they travelled overseas, cast their votes for Pauline Hanson when she was the Liberal Party candidate voting for the Liberal Party, or were they voting for Pauline Hanson? It is not appropriate for the Electoral Commission to try to get into the minds of the electors.

The legislation is fatally flawed. I have stated it and I will state it again that I cannot begin to understand how someone going overseas can cast a vote for people who have not been preselected as candidates. Those people are just casting a vote for a party which, as I said,

implies a collection of proxies. If any members of the National Party or the Liberal Party wish to send me their proxies, my address is in the book. I will quite happily collect those proxies for them.

Earlier the member for Southern Downs said that he would quite happily listen to solutions. He admitted that the bill was not perfect, but, to his deluded mind, it was the best that he could find. I ask the member for Southern Downs to please listen carefully, because he is about to hear the solution. The solution to the problem caused by people travelling overseas and not being able to cast their vote is four-year fixed terms. Let us get the members of the opposition on side to support this initiative for four-year fixed terms. That way, every four years everyone in the state of Queensland knows when they are going to the polls. They can arrange their travel times around that date. They will know that in four years time, eight years time, 12 years time or 16 years time to the hour, the day and the minute when nominations for preselection will close. People will know when the election is going to be called. I ask the members opposite to jump on board and support four-year fixed terms for parliaments. If they are serious about trying to solve this problem, they will jump on board.

Although I support the intent of this bill that was introduced by the member for Nicklin, its logic is just bizarre. I cannot support it. I have offered the members of the opposition the solution, and that is four-year fixed terms. I ask them to jump on board.

Ms KEECH (Albert—ALP) (9.23 p.m.): I understand the concerns of the member for Nicklin as proposed in the Electoral (Travellers' Advance Votes) Amendment Bill 2001. As a good local member, his concern is for some of his constituents—about three couples—who were away from home when the election was called. They were in the privileged position to have advance knowledge that they would be away at the time of the election. However, after the last state election I was contacted by about a dozen people who were not able to attend the polling booths on election day owing to illness or transport problems. In common with the member for Nicklin, I was concerned, because those people expressed to me their disappointment that they were not able to fulfil their responsibility as citizens by voting in the last state election. I had no solution for them, because those people were ill on the day and they could not make the polling booth.

The bill's explanatory notes state that the Electoral Commission will hold the ballot paper for up to six months and that if during that time a polling day occurs, that advance vote can be added to the other votes for the electoral district. We have heard some speakers point out problems with this method. Certainly, the proposal for an additional type of declaration vote would in itself not solve the problems that this bill seeks to address. In fact, in his second reading speech the member for Nicklin himself states that there is no certainty of other candidates other than the sitting member. Therefore, what happens? Certainly, there is discrimination against all other candidates, except the sitting member, especially those people representing minor parties who decide to stand for election just prior to the closing date for nomination. Therefore, this bill discriminates against all candidates, except the sitting member.

The problems that this bill seeks to address stem from Australia's compulsory voting system—a system that dictates that every Australian citizen of 18 years or older is required by law to vote. If that citizen is unable to vote for a valid and sufficient reason, that is okay. However, if there is no valid and sufficient reason, a penalty is imposed.

The history of compulsory voting goes back a long way to the turn of the century when Alfred Deakin, a very progressive conservative small-l liberal, introduced compulsory voting. In Queensland, compulsory voting was introduced in 1915. As members, we should be proud of the fact that the turnout rate in every election in Queensland is incredibly high. Usually, those who fail to turn up to vote is one and a half per cent, except in the most recent Surfers Paradise by-election when it was about 25 per cent or something. Obviously, the constituents in that electorate had better things to do than vote. Perhaps they went to the beach, went shopping or went to Dreamworld to watch the bunnies.

A lot of arguments have been put in favour of compulsory voting, but other countries, such as America, do not have it. Voting is a civic duty comparable to other duties citizens perform, such as paying taxes, sending their children to school or turning up for jury duty. In this country, during campaigns candidates often concentrate on issues rather than encouraging voters to attend the polling booths, which occurs in America.

The member for Southern Downs asked for solutions. In fact, he asked the member for Toowoomba North for solutions to this problem of constituents discovering that they will be away on election day. The member for Redlands has an ideal suggestion for us: four-year fixed terms. That would mean that people who are planning to travel, particularly those who are going

overseas, would be able to arrange their travel times to ensure that on election day they will be either in Australia or somewhere where they will be able to cast their vote.

Another solution trialled this year in the ACT is online voting. I have had personal experience with this as I was involved in enterprise bargaining voting with the Queensland University of Technology a couple of years ago. General staff unions, particularly the ASU's clerical and administration division, and the miscellaneous unions got together with the Queensland University of Technology staff involved in enterprise bargaining. We decided to go ahead with online voting.

Ms Boyle: Did it work?

Ms KEECH: It did, and it was very successful. The best part about it was that it was a very transparent system and the results were known at the press of a button. When polling closed, the button was pressed and there were the results.

I will take a couple of seconds to discuss the ACT's coming elections, which will utilise electronic voting. There will be four prepolling centres around Canberra and a number of polling booths set up on polling day. Voters will also have the choice, if attending at a polling place, of voting electronically or simply casting their vote in the old way. It will be very interesting to see how that system goes.

Given the system as it is, for the time being I think that we should stick with the status quo. There is community involvement and community confidence in the system as it is. For that reason, I cannot support the bill.

Mr FENLON (Greenslopes—ALP) (9.31 p.m.): It is with great pleasure that I rise to speak in relation to this bill, but I indicate at the outset that I will not be supporting it. However, I commend the member for Nicklin on this valiant attempt to address a matter that is of obvious concern to many members in the House and to the wider community. It is a matter that confronts us at each election.

Certainly one immediate anomaly that seems to arise is the distinction between state elections and federal elections in terms of the number of opportunities that overseas voters have to lodge a vote at foreign places. That is a matter that I would like to return to very shortly.

The fundamental reason that we should oppose this bill is exemplified as a theme that runs through most of the speeches that we have heard tonight, that is, that the matters that are before this House are going to lead to far more disputation at election time. Any disputation certainly must be minimised at any cost. When we have elections within the House involving tightly balanced numbers, as we have seen in past parliaments—certainly not this one, I am very glad to say—the level of disputation surrounding a final vote is a very critical issue in the sense that we need to form a government to get on with the government of this state. The last thing that we want is disputation over a result that will roll on for weeks and months, and not have a clear outcome and mandate for a government.

The many scenarios that can arise in relation to this form of voting certainly indicate that there would be disputation simply by virtue of the different permutations and combinations. It would arise by virtue of the different situations in which voters find themselves, the timing of the lodging of such votes, the peculiarities of certain electorates and so on.

One issue that has not been addressed tonight is: what happens when one sits down to count the votes? What happens when we have different looking ballot papers and different candidates on the ballot papers running preferences in different ways? Surely that would result in the scrutineers having some fairly serious haggles over the intentions of voters and whether a voter's intention was really clear in relation to the casting of a particular vote. It would lead to disputation. Any possible risk of leading to more disputation in formulating legislation and in our voting practices should be avoided absolutely.

The other issue that we should look at is what we actually do at voting time. What is the democratic process and what is it about that process that is crystallised in the final couple of weeks of an election campaign up until the time that voting commences after nominations close? It is a very special process. We hold it very sacred in Australia in the sense that in our campaigns we go to a lot of trouble to convince voters that there is something that they must make an important decision about. At election time, we are presenting ourselves as parties and as individuals with a portfolio of policies, and with a range of achievements and attributes as candidates. We are asking voters to make a very distinct choice between each of us who faces the electorate. This particular proposal essentially degrades and undermines that event. It undermines it in the sense that it really says to a voter, 'Forget about making a choice over the

policies and the critical issues at that juncture. Forget that. Make your choice now, well out from the election, and do not listen to those things.'

I am entrenched as a member of a political party, and I have my own ideologies and strong views about the world. I would like to see voters continue to vote Labor from election to election. Certainly that reflects my own values and what I would like to see happen. However, I also have a high regard for and recognise and respect voters who choose to take their vote seriously, who examine all matters pertaining to their vote and who evaluate their candidates and their policies. This proposed legislation runs counter to those practices and those views. On that basis alone I think it should be rejected.

I will briefly return to the matter that I touched on earlier, that is, overseas voting places. It certainly runs to the heart of this matter in terms of the opportunities that electors have to vote. I am sure that a lot more can be done to avail voters of opportunities to vote without having to pass legislation such as this.

I note that the Attorney-General mentioned earlier that there is a review on in relation to the Electoral Act which may indeed encompass such matters, although no detail has come from the Attorney-General tonight. I urge the Attorney-General and the government in general to consider ways of enhancing opportunities for voters to exercise that choice. Certainly we could look at extending the range of opportunities for foreign embassies to be involved, perhaps by replicating further the number of overseas posts used. I would also add a note of caution after hearing many horror stories from people who have lodged votes overseas and have noted what they perceived to be a lack of scrutiny and accountability in the way that those votes were handled, packaged and processed. Obviously, that has to be handled very carefully.

The other area that should be looked at closely, and it is one that I think we are starting to approach in terms of technical capacity, is electronic voting. After hearing Des O'Shea speak on many occasions about the possibilities of wide-scale electronic voting, I know that it may indeed be a reality. Wide-scale electronic voting is still not a practical alternative; there are many difficulties. The experience from overseas indicates that it still takes a long time to process those types of votes. We have only to look at some of the snags in relation to the recent United States election to see some of the consequences of the technologies used in that area. However, given the opportunities for voting that are now available over the Internet and by telephone, I am sure that systems can be devised for voting not for the whole population but simply for the exceptional cases that the member for Nicklin has concern for, namely, those where somebody is overseas in a remote country but can get to a telephone. I do not think that is a big ask. For example, I believe there might still be some remaining lines into Afghanistan.

Most places in the world that we might be escaping to for holidays would be connected by a telephone line, and various ways could be devised to provide a voter with a special code to tap in and exercise a confidential vote. For example, they could key in certain numbers according to the advice received from the Electoral Commission over the phone in order to exercise their vote. There are many ways in which we can pursue this. This is not the right one. However, as a parliament we should look at providing various alternatives so that people can avail themselves of their very important democratic right to vote.

Mr TERRY SULLIVAN (Stafford—ALP) (9.41 p.m.): I am amazed that these proposals have been brought before the House by the member for Nicklin as an Independent, because they disadvantage mostly Independents, minor parties and small parties. I would be interested in his answer to the question: how would a number of members in this House from the smaller parties and from the previous parliament, where we had a significant changeover to One Nation and Independents, have felt if the major parties had brought into the parliament a rule that could tie up votes six months out from an election? A number of current sitting members and members of the former parliament were not candidates three months prior to the election. Even if we take half the period suggested by the member for Nicklin, a number of members in this chamber were not candidates at that time. Those members came here mainly as Independents and as representatives from the smaller parties.

Do members want to hand over greater strength, power and influence to the major parties? This bill, coming from an Independent, would seem an inherent contradiction, particularly if it is supported by the minor parties. I cannot believe that to be the case.

Let us look at the current situation. What if we took polls on the political atmosphere six months or three months ago in relation to the coming federal election? How different would the atmosphere and people's views be now in relation to who they want to elect to government

because of what happened on 11 September? In relation to the federal scene, we have seen just how much things can change and how people's decision to vote either for the current Prime Minister or for Kim Beazley is influenced by world events. This bill would disadvantage those people, who would not have had those things to consider when they were casting their vote. Is the member prepared to see a number of people less informed, not fully informed or ill informed on certain issues? I cannot believe that sort of proposal has come from an Independent member of parliament or that it would have the support of minor parties. I oppose the bill.

Hon. K. W. HAYWARD (Kallangur—ALP) (9.43 p.m.): Tonight I take the opportunity—and I have spoken to the member for Nicklin about this—to speak against this private member's bill. I have spoken to him about this, because I hope he does not take offence to my views with regard to this bill. In simple terms, I think this bill is rubbish. However, I make it clear that I have great regard for the member and his commitment to this parliament and his constituency. However, he proposes a new advance vote, as he calls it. It is an advance vote, which I am sure other honourable members have spoken about today, which is cast in the belief that one has no knowledge of who the candidates are for the election. I think very clearly—I am in a position where I can say this fairly—it advantages candidates from the major parties against people who might be proposing to run as Independents.

Mr Terry Sullivan: And incumbents.

Mr HAYWARD: I think it is extremely advantageous for incumbents. In his second reading speech, the member stated that in general terms this came into his mind because the problem was brought to his attention when people who he said might be his supporters saw him and decided that they might want to cast a vote for him if there was an election coming up.

He also proposes in his bill that we could even write our own candidate on the ballot paper. Again, I find that a very odd process. I think the strongest argument that the member for Nicklin advances is that basically his idea for the Electoral (Travellers' Advance Votes) Amendment Bill 2001 was that the people who came to see him—those six people—wanted to vote for him and they said that they did not know whether or not the election was on, that they did not know where they would be and that they would be travelling around. What I find hard to understand about this is that, wherever they were going, surely there would be a telephone. Surely there would be some way of communicating. Surely they would be able to ring one of their family members or the member for whom they wanted to cast the vote or whatever they wanted to do to find out about that.

As the member for Kallangur in the state parliament, I recall that people I knew very well travelled to the UK before an election was called. When the election was called, I found out through their daughter where they were so as to make sure that they would cast a vote. It is not that hard to do. We are living in a modern world. I think the system that exists now is a strong one; there is a detailed list of who the candidates are and when writs have been issued and nominations have closed.

The member proposes in his bill a notion that the vote that we cast should have some kind of validity for a period of six months in the hope that an election occurs some time during that six-month period. I see the member for Nicklin writing vigorously. No doubt he is going to respond to some of these assertions.

In his second reading speech the member advances the proposition of a proxy vote and rejects it. I think the reason he chose to reject it was that circumstances might change and he is not sure how the proxy which he assigned might vote, given that changes may occur. But he is willing to put forward the proposition—as I said, I think a silly proposition; a proposition which is rubbish—that we have a notion of advance votes before candidates occur and also, strangely enough, before the circumstances might change. Circumstances do change during the period of an election. Again, I think this type of bill, should it get up, would provide a tremendous advantage for a sitting member.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Fouras): Order! The level of audible conversation is unacceptable. I would like to hear this very interesting debate.

Mr HAYWARD: All of us have some kind of self-interest in ensuring that people are going to vote for us. As the member said in his speech—and he did not hide from this—he considered these people's votes to be votes for him.

As I said before, we live in a modern world. The telephone is available. People can ring the member, one of their family members, a friend or whomever to inquire as to what is going on in the state of Queensland. Things are not secret. There are newspapers and all sorts of modes of contact available, particularly if people are concerned enough to find out what is happening. If they ring the local member of parliament in particular, given that they are friendly or they have some knowledge of that person, he or she will soon tell them where things are at.

As I said before, I have personal experience on this issue. I made it my business to find out through my constituents' family—through their daughter—where these people were. I made it my business to find out where they were staying and I then advised them to go to Queensland House in London and ensure that they cast a vote. How they cast their vote I will never know. But if I took that much determination to try to find out, then I would hope that they voted for me as the Labor member in the seat of Kallangur.

I certainly reject this bill. As I said before, I think this bill is ill conceived. I certainly oppose this bill.

Mr WELLINGTON (Nicklin—Ind) (9.50 p.m.), in reply: I thank all members for their contributions to the debate on this very important bill. As a result of my private member's bill that we have discussed and debated tonight, I hope that many members will now explore other ways of improving the current defects in our current voting system. I do not believe that, in their contributions, many members here tonight actually denied that we do have a problem. I do believe that we can genuinely move forward to enable these people to vote. Whether it is by this method or another method, I am not sure. It is now up to the government to say what we are going to do about this problem. There certainly has been acknowledgment here tonight from members of both sides of this House that there is a problem with our current system.

I thank the member for Southern Downs for his contribution to the debate. He acknowledged the current problems. He came forward with the suggestion of not just throwing the system away but looking at it to see how we can work through those problems to come up with a better system. I thank him for that contribution.

The member for Everton, the Minister for Justice and Attorney-General, referred to the bill as being not workable. The Premier and his government talk about being a can-do government; a can-do government can achieve anything that is possible. Yet from listening to the contributions of government members tonight, it seems to me that they are a can't do government: all they want to do is identify defects without trying to come up with some genuine and realistic alternatives to solve a problem.

The minister referred to the concept of electoral fairness. I reflect on the last state election when the Labor Party went out of its way to say, 'Vote 1. Vote 1. Vote 1.' We do have optional voting in Queensland. It is not totally preferential in that it is not necessary to mark every box. In my bill I was trying to focus on ensuring that the voters have that right to cast a vote and to cast a vote for the person for whom they want to vote. I thank the minister for acknowledging that there are defects with the current laws and for his undertaking to look at how the system can be improved.

I thank the member for Surfers Paradise for also acknowledging that his constituents had approached him, some of whom were very passionate about wanting to know how they could vote. He also acknowledged the defects in the current law. He raised the questions—

Mr Johnson: Must have been an important question!

Mr WELLINGTON: Yes, it was, actually. He posed a range of questions in his contribution. Again, I thank the member for Surfers Paradise.

The member for Robina spoke about the practical application of the bill and not being able to cast a vote before the voter knows all the candidates. I see his focus as trying to make sure that every voter has to know every candidate before that voter can cast a vote. My experience with the people who approached me and asked me to pursue this matter on their behalf was that they did not want to mark a number beside every candidate's name; they wanted to mark one, and only one. They did not want to have to mark one to four.

It is in response to their approach to me that I have come into this House and tried to put forward a private member's bill to address their concerns. Their concerns certainly were not about marking a number beside every name on the ballot paper. I note that during the last election campaign the Labor Party certainly did not encourage any of its voters to mark a number beside every candidate on a ballot paper.

The member for Southport claimed that the bill was unfair. Again, I ask the question of the member: what happened to this can-do government? Every morning when parliament sits we hear that the can-do government can achieve anything because it wants to, because there is sufficient will. Tonight when I listened to the members of the government make their contributions to the debate, it seemed to me that only a small number of members came up with some realistic alternatives, when they actually said, 'Yes, perhaps we can do something.' The majority of the government members were saying, 'We can't. We can't. We can't.' They had the negative blinkers on. It seems that sometimes government members do not want to work through that can-do option; they want to simply focus on the negatives, because perhaps they do not want to genuinely explore other realistic alternatives.

I thank the member for Gladstone for acknowledging the importance of the bill and for her support in attempting to try to improve the current state of the law in Queensland.

The member for Toowoomba North spoke about the bill being unfair. I disagree with the member. I believe the bill was a genuine attempt to enable voters to have a greater right than what they have currently. At the moment they are completely disfranchised; they are not able to vote because the law does not allow them to. They are not interested in voting one to five. Many of them are interested in marking '1' for one candidate. That is what this bill was trying to address: to give them that right to mark '1' beside the name of the candidate who they thought was standing for whom they wanted to vote so they could continue with their business.

I thank the member for Redlands for his support of the intent of the bill. I commend the member for Redlands for coming up with an option, an alternative. The member for Redlands said, 'I like the intent. I cannot support the bill, but I have an alternative.' His alternative thinking was to introduce a four-year fixed term. Then everyone would know exactly what is going on. I thank him for thinking about a genuine alternative and actually putting something else on the table for other members to consider. Quite frankly, the member outshone many other members of the government because he actually did come up with an alternative. He did not just criticise. He said, 'Listen. This is something else we could consider.' I hope that all members will take that on board and reflect on other ways in which we can improve the defects in the current system.

The member for Albert also acknowledged defects with the current law.

I thank the member for Greenslopes for his contribution, for acknowledging the need to find a better solution and for his urging of his own government members and backbenchers to look at ways of improving the defects of the current system. He spoke about new methods of voting with new technology.

The member for Stafford claimed that this proposal disadvantaged candidates. I disagree, and I think I have already covered that in my response to other members' contributions tonight.

The member for Kallangur used strong words, saying, 'The bill is rubbish. The bill is rubbish. There is no alternative.' I thank him for his contribution. I suppose I am disappointed that he was not prepared to consider any other positive improvements to the system. I know that he does not support the bill, but I just urge him to think about how we can improve it for the betterment of other members. Perhaps he might consider the suggestions made by the member for Redlands as to a genuine alternative, but I leave that up to him. I again thank him for his contribution.

In conclusion, I thank all members again for their contributions. I hope that in some way I have prompted them to look at improving the current legislation.

Motion negatived.

DRUGS MISUSE (AMPHETAMINE OFFENCES) AMENDMENT BILL

Second Reading

Resumed from 11 September (see p. 2538).

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (10.00 p.m.): I understand that the opposition will be making some comments in the second reading debate, but in general terms it intends to withdraw the bill.

An opposition member: Who told you that?

Mr WELFORD: That is what I understood.

An opposition member: Well, you're wrong again.

Mr WELFORD: Okay, those opposite are going to proceed with it, notwithstanding the impracticality of it. As members of the House know, for some time the government has been working on a whole-of-government comprehensive strategy to tackle the drug problem. It is a fundamental problem which all of us in this House have encountered in our own electorates. It is a problem that seriously affects our community. Addictions of all kinds—not just to hard drugs—are a major social problem, a problem that destroys families, destroys communities and a problem that is of enormous expense to the entire community. For that reason, it is understandable that the opposition would seek to at least make some symbolic or token effort to deal with it.

But the reality is that these things cannot be done in an ad hoc way. They cannot be done in a knee-jerk way, as this bill does. It simply reacts to what the opposition and the National Party in particular know best—that is, the law and order auction. If there are social problems, particularly in relation to criminal law, criminal activity or law enforcement, one of the unfortunate habits that the National Party lapses into is the habit of knee-jerk reactions and tub-thumping with ever-increasing bids for higher penalties and so forth. It is appropriate in these circumstances to categorise amphetamines as a category 1 drug for the purposes of appropriate penalties where trafficking is involved, and the government has of course done that. But we have done it in the context of a broader, more sophisticated and more responsible approach that recognises that we cannot just focus on penalties to deal with the drug problem. The drug problem will never, ever be solved solely as a law and order issue. It will never, ever be solved simply by putting people in prison, whether it is for 10 years or 50 years.

So the opposition's initiative here is an initiative inspired not by a serious interest in addressing the drug problem in an holistic way; it is inspired by a desperate attempt to gain political capital and fly the flag in a law and order auction, which it always does when it comes to law and order issues. It simply goes for the easy publicity stunt, and that can always be done by simply saying that penalties should be higher. The opposition says, 'If it's seven years now, make it 14 years. If it's 15 years, make it 25.' That is the easy option. Any dill can turn to the legislation and say that the penalties are not high enough. The penalties need to be high, but high penalties alone do not solve what is essentially a social and, in many cases, a serious health problem.

A serious drug addict does not turn their mind to whether they are going to go to jail for 15 years or 25 years when they are seriously addicted. That is a simple, physical and practical reality. If parliaments—not just governments but parliaments—are to collectively tackle the serious social problem of drug addiction, we need to do more than just engage in a law and order auction centring around the scale of the penalties.

As part of our drug strategy we have recognised that trafficking in certain drugs is creating such a serious social problem that the penalties should be at the top of the scale. We have done that for heroin and for amphetamines. But where does the opposition propose to go after this? What is its next proposal if the only focus of its drug strategy is imprisonment and the scale of the penalty involved? That seems to be the only thing this bill addresses, and that is why the government does not support it. We urge the opposition to get serious about dealing with drugs and to support our initiatives and the proposals we have brought forward to deal not only with the crimes relating to drug activities but also with the causes of those crimes so that we stop the cycle of drug-related crime.

The main problem with drug addiction in our society is not just the addiction itself and the social harm that causes to the addict but the related crime that is generated by the need to feed that addiction—that is, the crime of property offences, the break and enters, the thieving and stealing. These are serious problems that derive from the problem of drug addiction. We have to address those issues in the broader context and have a more sophisticated and more rational approach to the broader social problem and not simply see it as a law and order issue in the way that this bill proposes.

This bill is the sort of thing that one might expect the member for Callide to raise, because he is, after all, the shadow spokesman for police. He is focusing on one aspect of the drug problem, namely, the policing problem. I suppose it is natural enough when they focus only on the policing of addiction and drug trafficking that they turn their mind to penalties. But my approach as Attorney-General and Minister for Justice is to try to bring to the government's consideration of these issues and to the public debate something that is broader and more holistic than simply focusing on penalties and the natural game of politicians of being tough or pretending to be tough on alleged offenders. We have to take a more sensible approach to dealing with the causes of this problem.

The drug courts—which the opposition supports, and I acknowledge that—are a first step in that process. When we brought in our most recent drug strategy reforms we not only addressed the penalty issue but also expanded the diversionary processes, the processes that allow us to get to people at the earlier stages in their addiction to avert them from the criminal justice system if possible by dealing with their addiction rather than just dealing with the symptoms of their addiction, namely, the property crimes or other crimes they might commit. That is the dual function and the dual focus we need to have. We should not focus solely on the addiction and the trafficking itself but focus on what drives that addiction, focus on getting people out of their addictive habits and getting them out of the cycle of related crime that they commit to feed their addiction. It is about addressing the causes, not just the symptoms. It is about focusing on solutions, not just bandaids for the consequences.

Obviously, dealing with penalties alone is simply dealing with the issue after the event. It does not solve the problem, because we know that people are being put into prison addicted and coming out of prison still addicted and they then return to the cycle of drug-related crime. That is not a solution. All of us on all sides of the House need to recognise that while penalties are appropriate to a certain extent to deal with deterrence, they deter only those who are capable of understanding the nature of their problem. The real character of serious addiction is that some people simply do not acknowledge their addiction. Alcoholics deny their alcohol addiction; it is the same with other addicts. They simply do not see their problem. Until they can face up to that fact, simply putting them in prison will not solve the problem.

That is why we have taken an approach where all these issues are dealt with cohesively in a comprehensive drug strategy. We know that there are elements of that strategy which the opposition endorses and adopts. We urge it to come on board and take a bipartisan approach to the entire strategy and to put up proposals that help build on the strategy that we have already developed rather than, as this bill does, rehash old, tired, hackneyed solutions to problems that cannot be solved in this way.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (10.10 p.m.): The Drugs Misuse (Amphetamine Offences) Amendment Bill is one small part of the approach that the National Party opposition has taken for some time to a comprehensive attack on drugs. That includes the 33-point crackdown policy that the National Party and the Liberal Party took to the last election.

I am sorry that the Attorney-General has just left the chamber. Tonight he has shown an abysmal lack of knowledge of the Drugs Misuse Act. He is the very person who has brought into this parliament a regulation that mirrors this legislation, yet he says that our bill is ad hoc, a knee-jerk reaction and part of an auction for the highest penalty. The minister has participated in exactly the same action, because he knows that his legislation was not addressing the serious problem of amphetamines.

I refer to one of the key points the minister made in his speech tonight—that is, that penalties do not deter those who are on drugs. Again he displayed his total lack of knowledge of the Drugs Misuse Act because it is about traffickers, dealers and sellers, not only users. It is aimed at dealing with the real low-lifes of our society who endeavour to make themselves wealthy from the human misery they peddle.

The Attorney-General has talked about having some sort of comprehensive plan. It was the National Party that earlier in this parliament moved a private member's motion relating to the principles of its 33-point drugs crackdown policy. Those principles were added to in an amendment by the Labor Party. In a bipartisan approach we accepted that amendment and the amended motion was passed unanimously by the parliament. That is a demonstration of how positive and comprehensive the opposition has been in pushing for the adoption of the 33-point drugs crackdown policy. The Attorney-General talked about an auction and asked why we did not take another approach, yet he is participating in an auction by introducing the regulation.

During the previous parliament the shadow Attorney-General first mooted the idea of drug courts and pressured the government into adopting the proposal. We have supported the introduction of drug courts all along. It was the opposition that put before this parliament the principles of the drugs crackdown policy such as increased rehabilitation and detoxification facilities and resources; reform to the justice system, focusing on the rehabilitation of drug users; enhanced drug education and prevention programs; properly resourced police anti-crime agencies to pursue drug producers and suppliers; and tougher sentences for drug traffickers and dealers. We put that forward. The Labor Party government added to that by including, if I remember correctly, provisions relating to the principle of using school nurses and so on. We

agreed with all of that because we wanted to see a comprehensive, all-embracing program and strategy for the state and to take a bipartisan approach to the issue.

We heard some rubbish tumble out of the mouth of the Attorney-General here tonight. It is unbelievable that he can come into this House, responsible as he is now for the Drugs Misuse Act—

Mr Springborg: He is following in the footsteps of his predecessor.

Mr HORAN: He has taken over from the Police Minister in terms of administration of the Drugs Misuse Act. Even though he has taken over responsibility for that legislation only in recent times, tonight he displayed an abysmal lack of knowledge and preparation. He does not even understand his own act.

The minister criticised this private member's bill, which sets out to simply amend a schedule so that amphetamines and methylamphetamines are listed in the same schedule as is heroin. That is sought to be done so that offences involving amphetamines and methylamphetamines are dealt with in the same way as offences involving heroin—for dealers, sellers, producers and users. That is to reflect the seriousness of amphetamine use in our society, to reflect the views of the Chief Justice of this state, Justice De Jersey—he has said there is a need for these drugs to be in the same schedule—and to reflect the views of Bob Aldred of the Alcohol and Drug Foundation.

Those are the reasons we introduced this private member's bill. It was obvious that the government was not going to do anything. We have introduced this proposal as one small cog in the wheel of our all-embracing policies in relation to the fight against drugs. We know that the problem will not be addressed successfully just by penalties, but they are a part of the solution.

We know that we have to front-end load the system and provide young people with confidence and the wherewithal, knowledge and ability to say no to drugs. That is probably their greatest defence of all. We also know that there is a desperate need for 1,200 rehabilitation beds and for some compassionate policies and programs. We know all of that.

This private member's bill is one small cog in the wheel. This private member's bill came about in response to the need espoused by the Chief Justice of this state. For the Attorney-General to come into this House and absolutely flay his own regulations in his attack on this private member's bill is astounding. His regulations have exactly the same effect as the bill.

Is the minister going to tell us that he is in some sort of Dutch auction because he has introduced regulations to put amphetamines and methylamphetamines onto the same schedule as heroin? Is he going to tell us that he is just taking part in a political stunt by doing that? Or is he going to say that he is just following the opposition because we were the ones who forced him to do it? That is the only reason he is responding.

The minister would never have taken this action unless the opposition had put forward this private member's bill. It is quite obvious from his contribution to the debate tonight that the minister does not even understand the Drugs Misuse Act. He does not understand that it is not just about people who use drugs but also about people who market, deal in, sell and produce drugs.

The sort of nonsense we heard from the Attorney-General tonight displays the lack of imagination of the Labor government. It is the Labor government that is addressing drugs in an ad hoc way. It is the opposition with the vision. I give credit to the Liberal Party. When we were in coalition we produced the drugs crackdown policy together.

The 33-point plan is one of the most comprehensive drugs plans ever seen in Australia, if not the world. It addresses every single possible avenue. Through that policy we seek to have put in place a commissioner for drugs so that there is one person in charge to make sure that across all of the departments—Education, Health, Families, Justice, Police or whatever—there is a coordination and focus in order to address the serious problems of drugs. The aim is to bring about a real reduction in usage, particularly by our young people, to bring about a real increase in rehabilitation, to bring about a real crackdown by special drug squads in each and every police district and to bring about that comprehensive program that is needed instead of the ad hoc system run by the Labor government. Its system is ad hoc to the point that as soon as something happens it just follows the opposition. We have had the fortitude to introduce a private member's bill.

It is important that the judiciary, the police and all those others involved in working to reduce drug usage understand the seriousness of amphetamines. It is important that the community

understands the seriousness of amphetamines and the extent to which Queensland has become the amphetamine state of Australia. It is important that the community and the justice system realise that, more than any other particular drug, it is amphetamines that drive people to crime. It is amphetamines that focus people to the point that if users decide to commit an armed robbery with violence they will go ahead and do it regardless. Amphetamines will also spur on a truck driver to continue driving for 36 or 40 hours. That is the danger of amphetamines. People get so focused that they go ahead with the commission of a crime, regardless of any changed circumstances and regardless of what happens. That is why these are some of the most dangerous drugs in our community.

That is why the opposition has put forward this good private member's bill. I encourage members to vote for it. This legislation is more important because it will be decided on by the parliament, not by the cabinet. The cabinet put in place a regulation, which happens to mirror this bill, but this legislation is more powerful. This legislation comes from this House.

Time expired.

Mr SPRINGBORG (Southern Downs—NPA) (10.20 p.m.): I rise to support the private member's bill brought into this parliament by the honourable member for Callide and the shadow Minister for Police. This legislation is well and truly worthy of support because, as the Opposition Leader said tonight, it is a decision of the parliament; it is not just a decision of the cabinet.

I find it very strange that, within a couple of days of the opposition introducing a private member's bill into parliament, the government itself indicated that it would be bringing forward similar regulatory changes to the schedule of the Drugs Misuse Act to elevate amphetamines from schedule 2 to schedule 1. But the very interesting thing about that was that when we indicated that we would be doing such a thing in this parliament, the government pooh-poohed the idea. Government members said that it was a silly idea. There seemed to be no support whatsoever from the members of the government. Yet within a few days of our introducing the private member's bill into the parliament, they saw their lives flash before their eyes and they decided that they had better react and do something similar. This is not proactive, and honourable members should not be conned into believing that it was proactive on the part of the government; it was done only because the opposition suggested that it should be done and the opposition brought a private member's bill into the parliament.

There is very good reason for that, that is, amphetamines are increasingly insidious drugs. Heroin is an extremely serious drug, as are many illicit drugs. But for a number of years there has been a growing anomaly that amphetamines and other amphetamine derivatives should have been elevated from schedule 2 to schedule 1. The reason for that is that they are no less serious than heroin and a range of other illicit drugs which have been categorised in schedule 1.

As the Leader of the Opposition indicated a moment ago, a lot of the violent crime which is occurring in the community is related to amphetamine use and abuse. We know that heroin is extremely serious, but a lot of people who are heroin addicts do not necessarily engage in violent crime. A lot of the people who may be trafficking or dealing in heroin are very nefarious characters who probably engage in crimes involving some violence. However, we know that people who are amphetamine addicts have a propensity to commit crimes of a more violent nature than those who are addicted to heroin and other substances because of what it does to those particular people. Therefore, I think it was commonsense that we proposed a private member's bill that elevated amphetamines into a schedule which reflected their particular seriousness.

A moment ago the Attorney-General made a rather strange and somewhat deranged contribution. He indicated that the opposition had no significant or substantive plan to deal with the issue of illicit drug use and drug abuse in Queensland. We do. And the Attorney-General would do well to read our Crackdown plan which we took to the people at the last state election.

Mr Welford: More crackdowns.

Mr SPRINGBORG: Crackdown is not only about incarceration and dealing with drug traffickers and drug suppliers. It also deals with a range of other issues that need to be considered extremely seriously.

Our strategy includes $77 million to fund an additional 600 drug rehabilitation beds; eliminating wait times for young people seeking rehabilitation—a problem right around Queensland; $17.5 million for detoxification facilities, ensuring drug dependent mothers and newborn babies can immediately access detox and rehabilitation services; 600 new beds at halfway house rehabilitation centres; $9.1 million for home rehabilitation programs; and an 'It's

cool to be clean' program—a whole range of things which are over and above the immediate criminal justice response that we ourselves need to be aware of and very much involved in.

The Attorney-General can make half-smart comments about talking about it, but it was his government and it was he, as a minister in the previous Beattie government, who actually voted against the establishment of drug courts in this parliament when they were proposed and put forward in a 6 o'clock debate by the opposition. Government members voted against it. But within a couple of months they saw their lives flash before their eyes and they came in here and supported the concept of drug courts in Queensland. They had to be dragged kicking and screaming into this place to adopt drug courts.

Mr Horan: The same as this.

Mr SPRINGBORG: Exactly the same as this—the same as an appropriate criminal justice response to the issue of a growing drug problem by the use of amphetamines and their derivatives in the general community. It was not the government that thought of it; it was the government responding to the programs and the suggestions of the opposition.

I ask every government member: if you do not believe what I am saying about the drug court issue, go and read the debate on that notice of motion in this parliament. All government members of the day who were present in the parliament voted against it and, therefore, delayed the introduction of drug courts in Queensland and the other consequences that should have been addressed much earlier by some months. Then when they did adopt the drug courts, they did not pick up on the suggestions of the opposition, which involved properly funding them to ensure rehabilitation and referral services.

So what do we have now? We have a drug court program, for which I do not blame this Attorney-General but the previous Attorney-General and the previous government. This government has not fixed it up. Instead of picking up on 600 people as initially planned in that trial program, there are 300 people in that trial program over 30 months. So we have a drug court program which is going to be only half as effective in the assessment process as it should have been. That is because the government is only half-hearted about the alternative to a direct criminal justice response.

So Government members should not come in here being all high and mighty, saying that they have the best response. They do not. And if they are keen to pick up on some of those ideas, I urge them to look at some of the other suggestions and programs outlined by the then coalition in the Crackdown on illicit drugs strategy, because there are a lot of good ideas in there. Maybe the government is even talking about some of them, as well. The fount of all things good does not necessarily reside on that side of the parliament. A lot of things which need responding to, and a lot of good ideas, reside on this side of the parliament, as well.

When we consider the issue of amphetamines and the growth of their nefarious nature across Australia and, in particular, Queensland, it is something that should be alarming to all of us in this place, not only those of us who are parents and worried about the future of our children, which is something that I can appreciate. And this morning the Premier drew attention to that particular fact as a parent. But we also need to consider our future in general.

I have a couple of publications here which bear careful examination and perusal. First of all, I have the *Statistics on drug use in Australia 2000*. Some of those anecdotes and real findings are extremely interesting. According to this document, illicit drug use was associated with just over 1,000 deaths in Australia in 1998, of which the majority were young people aged between 15 and 34. Hospital episodes attributable to illicit drug use constituted seven per cent of the total number of episodes related to drug use.

The document also suggests that 46 per cent of the Australian population had used an illicit drug at some time. That is extremely concerning. If I wanted to extrapolate it across the members of this parliament—and that would be a broad description, because we know there are socioeconomic and other issues involved—that would mean that, statistically, somewhat less than half the members of this parliament had trialled illicit drugs at some time in their lives. And 23 per cent had used at least one illicit drug in the preceding 12 months. Marijuana was the most widely used illicit drug, followed by the non-medicinal use of pain-killers, analgesics and hallucinogenics. The Northern Territory had the highest proportion of people who had ever used any illicit drug—62 per cent—while Victoria had the lowest—44 per cent. There has been a general increase in the use of marijuana, hallucinogens, ecstasy, designer drugs and amphetamines since 1991. Only two per cent of the Australian population had ever used heroin, with one per

cent reporting recent usage. The prevalence of cocaine use was slightly higher, with lifetime use in four per cent of the respondents and recent use in one per cent.

If we look at amphetamines in particular and their metropolitan use across Australia, the standardised rate of lifetime use of illicit drugs Australia-wide in 1988 was 4.8 per cent. In 1991, the figure was 7.8 per cent; in 1993, six per cent; in 1995, 7.4 per cent; and in 1998, 11.9 per cent. In regional areas in 1988 the figure was 3.5 per cent, and in 1998 it was 8.1 per cent. So we have seen a very significant increase. And when we compare that to heroin use—in regional areas in 1988 the figure was 1.3 per cent, increasing to 2.3 per cent in 1998.

As the Leader of the Opposition said, the use of amphetamines is a particular problem, and it is a particular problem in Queensland, which is known as the amphetamines capital of Australia. We know that in many electorates across this state the police—the crime-fighting bodies—are finding drug laboratories, and they need responses. But the only way that we can have an appropriate response is by having appropriate laws. That is why this bill deserves support.

Time expired.

Mr SEENEY (Callide—NPA) (10.30 p.m.), in reply: I begin by thanking the members who have made a contribution to this debate. I thank the member for Southern Downs and the member for Toowoomba South for their comments and their support for this private member's bill.

However, I express my sadness at the comments that were made by the Attorney-General. It was a particularly difficult contribution to listen to. It was particularly disturbing to hear the chief law officer of the state make such a contribution about this legislation. The Attorney-General was simply playing the same old cheap, silly politics that for years has held back any real progress in the fight against the drug trade. He regurgitated the same old tired, stupid arguments that do him no credit. If his comments reflect the government's position, then I am sad.

I am sad because we in the opposition have attempted to provide bipartisan support for an issue that affects every Queenslander. In my second reading speech, I mentioned the fact that, in April, this parliament passed a motion initiated by the state opposition supporting a comprehensive drugs strategy focusing on the need to deliver the following—

Increased rehabilitation and detoxification facilities and resources, reform to the justice system focusing on the rehabilitation of drug users, enhanced drug education and prevention programs, properly resourced police and anti-crime agencies to pursue drug producers and suppliers, and tougher sentences for drug traffickers and dealers.

It is that last dot point that this legislation addresses.

It was particularly disturbing and saddening to anyone who has a genuine interest in seeing some progress made in this issue to hear the contribution from Attorney-General. Even more saddening was the lack of seriousness in the approach of the Attorney-General. If that represents the approach of the government—the lack of seriousness, the lack of commitment—

Mr Horan: He did not understand his own act.

Mr SEENEY: Yes. I am coming to that. He certainly did not even understand the efforts that his own government has made, which are mirrored by this legislation.

However, this legislation gives those efforts more strength in that it would have the backing of this parliament—the people's House. The people who represent every part of Queensland come together in this parliament. It would be a terrific thing if the bipartisanship that we have been prepared to offer up until now in the fight against drugs was continued with a unanimous vote in favour of this private member's bill.

The opposition has never pretended that this is the single solution to the drug problem. In my second reading speech, I made a number of references to that—that this was simply only one solution. In the third last paragraph I stated—

This bill is not proposed in isolation and nor should it be regarded in isolation.

Yet the Attorney-General came into this place and, in his response on behalf of the government, tried to suggest that we were putting this up in isolation. That response ignores completely what we have done in this House up until now. It ignores completely the bipartisanship that the opposition has tried to offer. It ignores completely the position that the opposition has taken in the policies that it has put to the people, and the member for Southern Downs referred to the Crackdown policy.

I hope the Attorney-General is big enough to read what we have suggested be a whole-of-government approach to the drug problem.

Mr Springborg: I'll get him one.

Mr SEENEY: We will make sure that we get him a copy.

I say to the Attorney-General that, if he has any better suggestions, then he should come into this House with legislation that puts forward his arguments. If he can put forward better suggestions, then he will most likely get the type of bipartisan support that he has received in the past when to comes to the drug problem.

The opposition members do not come into this place to try to play silly politics.

Mr Welford: Ha, ha!

Mr SEENEY: When it comes to this issue, we do not laugh, giggle and carry on. This would have to be the most serious issue confronting every person and every family in Queensland. To some extent, everyone in Queensland is touched by the drug problem—whether they be the families of the young people who are unfortunately ensnared in the net cast by the drug trade, or whether they be people whose homes are broken into and their property stolen by other people in an attempt to finance their drug problems.

People throughout this state are touched by the drug problem. The best that this government can do is send into this place an Attorney-General who sits opposite and giggles, laughs and carries on like some overgrown schoolkid. He treats this whole issue with contempt, and it is saddening.

Mr WELFORD: I rise to a point of order. I find the remarks of the honourable member utterly offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER (Mr Mickel): The honourable member has asked for a withdrawal. The honourable member will withdraw.

Mr SEENEY: Mr Deputy Speaker, I withdraw the remarks that the Attorney-General found offensive. However, can I reinforce the remarks that I made: that the Attorney-General's approach to this subject in this House tonight is a disgrace. It is a disgrace.

Mr WELFORD: I rise to a point of order. Clearly, the honourable member cannot address the issue. He wants to attack the individual. I find that offensive and I ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The minister has asked for a withdrawal. The member will withdraw.

Mr SEENEY: I withdraw the remarks that the Attorney-General has found offensive.

Mr Welford: Argue the issue.

Mr SEENEY: The issue is the government's approach to this—

Mr Horan interjected.

Mr Welford interjected.

Mr DEPUTY SPEAKER: Order! I say to the Leader of the Opposition and the Honourable the Attorney-General that there is too much crossfire and it makes it very difficult for me to hear and I think that it makes it difficult for the honourable member for Callide to make his contribution.

Mr SEENEY: The issue at stake is the government's approach to this problem of drug addiction in Queensland society. The issue at stake is the way in which the government has responded to a genuine effort to put forward a suggestion—one small part of a concerted attack on that problem. The issue that saddens and angers me is the way in which the government, represented by the Attorney-General, has responded to the genuine efforts that the opposition has made to progress the debate and to progress the battle against the insidious drug problem.

It has been nothing short of disgraceful that the government has been prepared to adopt such a position in regard to this private member's bill. The government introduced a regulation after this private member's bill was introduced into this House that does exactly what this private member's bill suggested needed to be done. That regulation is in a different form from this bill. The opposition is suggesting that the form in which we introduced it originally is a lot better, because it has the backing of this parliament; it has the strength of 89 elected members behind it. A unanimous vote in favour of this private member's bill would send a much stronger message. It would make a much greater contribution to the battle against the drug problem than the second-best option that the government was able to put in place after we had made this suggestion and after they realised that the suggestion we were putting forward was the right way to go.

We have never suggested—and we would never suggest—that this is the only thing that needs to be done. In fact, over and over and over again we have suggested quite the opposite.

Yet the bulk of the government's response to our private member's bill is to make the quite erroneous accusation that this was a cheap, single-minded, narrow approach to the problem. That is quite wrong.

Once again we have come in here prepared to take a bipartisan approach and that genuine attempt to advance this issue has been rejected in the most puerile, childish way. I find that most offensive and deeply saddening, because—and I think I speak on behalf of most people in Queensland—I believe that this issue is above politics. This issue should be advanced at every opportunity. Obviously an opportunity is going to go begging here tonight, simply because of the silly, cheap politics that have been played. The silly, cheap grandstanding that we have seen in the parliament tonight has held back any hope that we may have had of advancing the battle against the drug problem in Queensland.

This private member's bill takes a much stronger stance than the government's position. If enacted, this private member's bill would be much stronger than the regulation that the Attorney-General introduced through the cabinet. It would send a much stronger message. It would be a statement from this House.

I appreciate that to some extent once again the government has been caught in a position of having to play catch-up on the issue. Let us put that aside. I am not going to try to make political capital out of that. The government can bring forward suggestions to advance this battle against drugs in our society and we can bring forward suggestions. It is not something on which we should try to score points off each other. We have brought forward this suggestion at this particular time, and hopefully in the future the government can bring forward other good suggestions. I do not think that tonight in this House we should get hung up on who is catching up with whom. Let us agree that we need a bipartisan approach and that this is a good idea. It is a good idea. We introduced it in this form and the government introduced it in another form. We both agree that it is a good idea, but this particular method of implementing it in legislation would make it a lot stronger and would send a stronger message to the people of Queensland.

In conclusion, I plead with every member of the House to put aside the chance to play silly politics and to put aside the opportunity to grandstand. I urge members not to take the approach that the Attorney-General took. I urge all members to put all that aside when it comes to the drug issue and to support an initiative that will be in the best interests of Queensland and young Queenslanders. On that note, I can only commend the bill to the House and urge every member to support it.

Question—That the bill be read a second time—put; and the House divided—

AYES, 19—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Watson, Wellington. Tellers: Lester, Springborg

NOES, 52—Barry, Bligh, Boyle, Briskey, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Fouras, Hayward, Jarratt, Keech, Lawlor, Lee, Livingstone, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, N. Roberts, Robertson, Rodgers, Schwarten, C. Scott, D. Scott, Shine, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell

Resolved in the **negative**.

ADJOURNMENT

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.48 p.m.), by leave, without notice: I move—

That for this day's sitting a 30 minute adjournment debate shall take place.

Motion agreed to.

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.49 p.m.): I move—

That the House do now adjourn.

Eidsvold and Theodore Timber Mills

Mr SEENEY (Callide—NPA) (10.49 p.m.): Time is running out for the towns of Eidsvold and Theodore. To be more specific, time is running out for the hardwood sawmills that are a major part of the economic base of Eidsvold and Theodore and that provide the only secondary industry jobs in both of those communities within my electorate. I have raised this issue in the House many times before. Members will remember that those two timber mills were part of the infamous

deal done with Boral to achieve agreement on the South-East Queensland Regional Forestry Agreement, which was not really a regional forestry agreement at all.

To get Boral to agree to be part of that arrangement to shut down the native hardwood timber industry in south-east Queensland involved the two timber mills at Eidsvold and Theodore being purchased by the state government. The government, through the Premier and the then Minister for State Development, Mr Elder, always maintained that the Eidsvold and Theodore mills would be resold to another operator. Under the agreement, the government assumes ownership of the mills on 30 June next year—in only eight months time—and a buyer or buyers must be found by then. I have sought and received from the previous Minister for State Development many assurances that the mills would be onsold as going concerns to ensure that they continue to operate to provide the economic base for their respective communities.

The critical factor in ensuring the future of the mills is their ability to access hardwood log supply from nearby state forests. The amount of timber available to them from this source is defined by their crown allocation. Currently, Eidsvold has a crown allocation of 7,500 cubic metres and Theodore has a crown allocation of 18,000 cubic metres. It is critically important that those crown allocations are not reduced if the mills are to be sold as going concerns.

Since the election and the appointment of a new Minister for State Development, I have consistently sought assurances on the future of these timber mills and, more specifically, the crown allocations on which they depend. He has refused to give that assurance that the government's commitments to the people of Eidsvold and Theodore will be met. He has refused to give that assurance in answers to questions on notice and at other opportunities that I have given him. Without those crown allocations, the mills will be unviable and not saleable in the market place. Without the crown allocations, the timber mills will have to close and the economies of Eidsvold and Theodore will be devastated

Now with time running out, it is time to end the uncertainty. With eight months to go, it is time for the government to fulfil its promises. It is time for the Minister for State Development to explain to this House and to the people of Eidsvold and Theodore how the government's previous commitments to them are to be met. Both communities urgently need to know now that they have a future after 1 July next year. Time is simply running out.

Steady Steps Fall Prevention Program

Ms BARRY (Aspley—ALP) (10.52 p.m.): For some people their homes are not their castles but rather can be a bit like a prison—a prison created by their inability to safely navigate their front stairs. Not many of us in this House in the bloom of our youth could conceive that our front stairs would be the source of isolation from the world around us. But this is the reality for many older people. Their fear of falling down the stairs keeps them so cautious to the point of refusing to go out of the house. Not that the need to be cautious of falling is not necessary as we get older; it is, but there must be a balance between being careful and being scared.

I am pleased to say that in Aspley a group of residents is now stepping out and about with new confidence thanks to the Steady Steps Falls Prevention program. I recently had the pleasure of attending the graduation of the Aspley participants Steady Steps Fall Prevention program that was held at the Compton Gardens Retirement Village in Aspley. There, 13 Aspley residents graduated from the program under the capable and enthusiastic instruction of Accredited Fitness Instructor Joke Chadwick. Joke is one of those people who you know, just by looking at and listening to her, is committed to what she does. The graduates were full of praise for her and the Steady Steps strategy and, more importantly, full of confidence at the end of their program.

Steady Steps is a nine- to ten-week program designed to help older people stay active safely and to remain independent. The program is a joint project between the Queensland Keep Fit Association, Queensland Heath and Fitness Queensland. The program identifies risk factors for falls and helps to put in place strategies to prevent them.

A Steady Steps instructor, along with community health nurses, experts in fall prevention, physiotherapists, podiatrists and Home Assist representatives, all work together with participants during the program. The participants improve their confidence and learn strategies to prevent falls. The goal is to ensure that they feel that there is more to life than sitting at home being careful. They are challenged to be active and remain independent. Many of the participants come to the Steady Steps program with medical histories, suffering from things such as osteoporosis, Parkinson's, knee and hip replacements and often following major surgery. This program offers them a new lease on life. The first program graduated on 14 June, and the graduates of the

course attended an afternoon tea at Parliament House hosted by the honourable member for Clayfield, Liddy Clark. The invitation to Parliament House is remembered by the graduates as a great privilege.

I would like to place on record on behalf of that group their thanks to the member for Clayfield as well as to Greg Cameron, the principal dealer of Eagers Holden, who sponsored the bus for the group to attend Parliament House. The graduates of the first program were on hand at Aspley Compton Gardens. Whilst not being able to top the member for Clayfield's honour, I did, however, participate in the final class of the Steady Steps program. The participants assured me that I could improve with some work and keep up with their activities within a short space of time.

As a nurse for many years, I understand that confidence combined with a strategy for fall prevention does save lives in older people. Preventing falls means that older people can live life to its fullest. I congratulate the Minister for Health and Queensland Health, in particular Kathleen Smith, the Queensland Keep Fit Association and Fitness Queensland—

Time expired.

Traffic, Moggill Road

Dr WATSON (Moggill—Lib) (10.55 p.m.): On 5 April this year I reported to parliament that I held a community meeting last year at which about 150 to 200 people turned up, together with the local councillor, to discuss traffic issues on Moggill Road in the Kenmore area. This meeting was also attended by officers from the Main Roads Department. The outcome of the meeting was that a local committee was put together headed by Mr Paul Daly, a local businessman. This committee put together a report which identified the major community issues in a traffic sense in the area. The issues they identified were these—

firstly, the overall lack of traffic capacity and lack of pedestrian facilities at the intersection of Almay Street, Kenmore Road and Moggill Road;

secondly, the lack of traffic capacity, excessive queuing delays and a lack of pedestrian facilities at the Brookfield Road-Moggill Road intersection;

thirdly, the presence of an access off the roundabout to the Kenmore Village Shopping Centre and its effect on the operation and safety of the roundabout;

fourthly, the presence of a signalised pedestrian crossing in Brookfield Road near the roundabout and the resultant queues that form back to the roundabout;

fifthly, the existing on-street parking in Moggill Road in front of the Kenmore State School and the resultant obstruction to outbound traffic;

and, finally, the hazards associated with right turns across the centre line and U-turns associated with traffic safety risks.

I requested the Main Roads Department officers to take the report seriously. Tonight I am pleased to report that in fact they did just that. On Tuesday of last week, 9 October, Ross Blinco, Peter Bell, Alan Simms and Keith Newnham met with that community group to discuss Main Roads' response to the community report. I had also had a previous briefing from Peter Bell and Alan Simms on the issue.

Over the past 15 months, Main Roads Department personnel have done a prodigious amount of work, including examining each proposal put forward by the community committee and providing a detailed response, including traffic flow analysis, traffic modelling and providing a detailed plan to progress a resolution of the program in the Kenmore area of Moggill Road. On that Tuesday night, Alan Simms and Ross Blinco also answered questions of community members.

On behalf of the community, I thank the Main Roads Department for its professional response. The community has done a lot of work on the issues in a professional manner and so it was very pleasing for all concerned to see the Main Roads Department also respond in such a professional manner. I urge the minister to ensure appropriate resources are made available to put into effect the very reasonable proposals put forward by Main Roads which I think will offer some respite to a problem bottleneck that is approaching similar proportions to that of the Nundah bottleneck. I am sure the whip from the Labor Party will understand the difficulty that that creates in the local area.

Time expired.

Department of Housing Garden Awards

Mr PURCELL (Bulimba—ALP) (10.58 p.m.): The Department of Housing has again this year provided public housing tenants with the opportunity to contribute to their properties and neighbourhood through participation in the 2001 Garden Awards in my electorate of Bulimba. The awards have in recent years become an effective and extremely popular means by which public tenants can enhance the appearance of their property in a number of ways through the categories made available to them each year in the awards process.

It was my pleasure recently as the member for Bulimba to be in attendance and to present winners in the South Brisbane region, where almost 100 entries were received. Other invited guests included members of the Stones Corner Area Tenants Association, including President Bev Schafer, Vice-President Jill Murphy, Secretary/Treasurer John Sherwin, and Assistant Treasurer Elona Berak. Also in attendance were Geoff Schafferius and Paul Wicks, from the Brisbane South Area Office; Brian Moore and Lesley Huth, from the Tenant Participation Unit in the city; and the full organising committee of six tenants from the SCATA Regional Tenant Group. Also, Bev from the Stones Corner area office had her workers there and gave lunch to all present.

The tremendous local response to the Garden Awards in my region was merely a reflection of the growing success of the event statewide. For that, the Department of Housing and, in particular, Minister Robert Schwarten must be congratulated.

The 2001 competition offered seven categories. These are the winners of those respective categories in my region—

House Category—Shirley Barrett from Mount Gravatt East;

Small Garden Category—Chi Lee of Highgate Hill;

New Garden Category—Cecily Andrews from West End;

Practical Garden Category—Errol and Julie Marsh from Mansfield;

Native Garden Category—the Burke Family from Carina Heights;

Children's Garden Category—Commendations to Derrick Gambier of Holland Park and Yarren Bakee of Mount Gravatt East;

Group Garden Category—Northcote Street, East Brisbane, represented by Dawn White, Carmel Curran and Albert Yee; and

Extended Garden Category—May Box from Morningside.

Prize winners received an award certificate, a professional photograph of their gardens and a plant, while all participants received a certificate from the minister. Across the state in excess of 1,400 entries were received, an achievement due largely to the enthusiasm of Department of Housing tenants and tenant groups. I thank all those who organised and participated in the awards.

Soil Contamination, Goondiwindi

Mr SPRINGBORG (Southern Downs—NPA) (11.01 p.m.): Tonight I wish to address an issue in Goondiwindi in my electorate. Of recent times there has been some controversy there about what many people believe is a site of a former clearing dip for the New South Wales Department of Agriculture. This issue arose following a *60 Minutes* report a couple of months ago regarding environmental issues and health issues from people who have been living near some of these old dip sites.

The real problem, of course, for the citizens of Goondiwindi and particularly the people who live in Campbell Street is trying to resolve this issue. I know that the Goondiwindi Town Council has been very active in trying to get some information out of the New South Wales Department of Agriculture and trying to get it to at least acknowledge that there may be a problem and also that there may be some liability on their part. The council has been trying to get the department involved in ascertaining the concerns about this historical dip site.

Some people might find it very strange that we are dealing with the New South Wales Department of Agriculture. This is actually located in Queensland and it is probably a kilometre or so on our side of the border. However, it is not unusual for cross-border operations relating to regulating stock movements and clearance dips to be located on the Queensland side when it involves the New South Wales Department of Agriculture.

Of particular concern is the fact that this dip has not necessarily operated for 70 years, but arsenic may have been used and probably was used in the treatment of animals, particularly sheep that passed through there on their way to New South Wales. I have spoken with the gentleman who currently owns the site where it is believed that the dip was situated. He is concerned that he has developed health problems over that time. He has had cancer scares and also problems with immune deficiencies as well.

The council is growing continuously frustrated by the inaction of the New South Wales Department of Agriculture. Only recently they received a letter from the director-general basically saying that he was not convinced that, based on the information forthcoming, there was actually a dip site there. The historical information and also anecdotal information from older residents nearby, some of whom have passed away, is that the actual site of the sump was on this property at 1 Campbell Street and that there does now need to be some investigation.

I am calling on the Queensland Minister for Primary Industries to take this up with his New South Wales counterpart and also the Environmental Protection Agency in the state because there is an environmental issue, as well as the Department of Natural Resources because it has been crown land and currently is the subject of a freehold lease.

Time expired.

Ipswich Motorway

Ms NOLAN (Ipswich—ALP) (11.04 p.m.): Today there were delays for hours on the Ipswich Motorway after a truck rolled, spilling its load across the centre barrier and blocking two of the four lanes. The accident happened before lunch, but commuters were delayed even in the evening while emergency crews cleaned up the mess. It was the second time such an accident had occurred this week. On Monday morning a semi-trailer rolled on the Ipswich Motorway at Dinmore, spilling its load and causing delays for most of the day. That rollover happened just 100 metres from the scene of an accident where three people were killed two years ago.

The Ipswich Motorway is used by 85,000 vehicles a day, and in the last five years there have been 915 accidents and 10 fatalities on it. Every morning tow trucks park by the side of the road at Goodna waiting for the accidents to happen. The road affects the quality of life of Ipswich people. Driving on a potholed and dangerous road where traffic merges from the right, sitting in a traffic jam when you are still 30 kilometres from the centre of Brisbane and knowing that some days you will have the big hold-up that makes you hours late for work is stressful. The road hinders our economic development and it hinders our population growth as people are less likely to move to Ipswich and commute when the road is in such a bad state.

The Ipswich Motorway is a federally funded road, but when asked on Sunday about future funding for it, our nearest government MP, Cameron Thompson, said calls for further funding were unnecessary as the federal government had committed $64 million to the project. I do not want to reject that money; after all, $64 million is better than a kick in the teeth, but it hardly makes calls to fix the road unnecessary. Having spoken a few days ago to the planners who are looking at the road's future, I think it is clear that the $64 million may fix up some of the dangerous right-hand merges at the Logan Motorway intersection, but it will not fix the road.

Ipswich people need a major upgrade of the road to six lanes from Rocklea to Dinmore, removal of all the right-hand merges, better local transport links around suburbs such as Goodna and Riverview so that people travelling between those suburbs can avoid the motorway and the development of alternative routes, particularly in the south-west. The Beattie government and the Ipswich City Council are doing their bit. The state is in the process of planning a south-west transport corridor, and the council has indicated its willingness to provide those local links. We need a clear funding commitment from the federal government.

Ipswich people remember that, during the early 1990s when there were Labor governments at the state and federal levels, the road was significantly upgraded from an arterial road to a major motorway. In contrast, the Howard government's record on this road is abominable. Since John Howard was elected in 1996 on a fraudulent platform of representing the kind of battlers who use the road, there have been no major improvements. This year, however, the federal government has allocated more than $1.5 billion for roads in shaky National Party electorates. I read earlier today that its biggest election promise so far was $225 million for the Scoresby Freeway in Victoria.

Time expired.

Nambour General Hospital; Sessional Orders

Mr WELLINGTON (Nicklin—Ind) (11.07 p.m.): Recently there were some serious allegations raised in the media about the standard of nursing care provided to patients at the Nambour General Hospital. As a result of the raising of these allegations in the media, I called on members of the public to come forward and provide me with details of the allegations so I could have them investigated. To date I have received six complaints. As some of these complainants requested that their privacy be protected and the media not have access to the particulars of their circumstances, I spoke with the Minister for Health yesterday and handed to her particulars of the allegations provided to me by the complainants.

In relation to the complaints, I am able to inform members that one complainant is in the process of taking her complaint to the Human Rights Commission whilst another complainant has already been to the Human Rights Commission and has requested that a review be held. I thank the minister for looking into these complaints and I look forward to the outcome.

My own experience at the Nambour General Hospital is that the doctors and nursing staff give 120 per cent effort to patient care and are beyond reproach. One of the real concerns I have in relation to the level of nursing care provided to patients in public hospitals in Queensland is the lack of adequate nursing staff available to undertake the complete range of nursing duties. I believe the current recruitment and training programs for nurses in this state must be reviewed because, quite clearly, something is seriously wrong with the current model as we simply do not have enough nurses available.

One other matter that I wish to draw to the attention of all honourable members is the need for a review of the current sessional orders in relation to the time limits applicable to the notification of motions for the 6 p.m. debate on Wednesdays. During the last sitting of parliament I moved a motion, the substance of which was to require ministers to give notification of their anticipated amendments to draft legislation to the Scrutiny of Legislation Committee as soon as possible.

As the motion was not debated within one month, it was automatically removed from the *Notice Paper*. Accordingly, this morning I put the motion back on the *Notice Paper*. The reason I moved the motion early was to allow all members time to consider the seriousness of the issues involved and to enable them to be fully prepared for when the motion will finally be debated. The current sessional orders do not encourage members to give early notification of motions. I believe the parliamentary process could be improved with the removal of this sessional order. I urge all members to lobby for the removal of this sessional order and for the total review of all sessional orders.

Mr C. Stefanos

Mr RODGERS (Burdekin—ALP) (11.09 p.m.): I draw the attention of the House to a highly respected member of my electorate, Christos Stefanos. Christos celebrated his 100th birthday on 18 September and is proof that life is pretty good in the north. Christos was born in Cyprus, one of a family of 10. When he was 15 years old he left his home to work in a food store in Cairo, always with dreams of travelling to Australia. After saving enough money, he departed his country of origin on a coal-driven ship bound for Down Under. He arrived in Sydney in 1922 and worked his way up the Queensland coast to Cairns before settling in Home Hill in 1925 to work as a canecutter. It was in this quiet country town that he met and married the love of his life, Eleni, a refugee whose family fled the Balkans War. Unfortunately, the couple were never able to have children and, sadly, Eleni passed away four years ago.

However, Christos has dozens of godchildren due to his association with St Stephen's Greek Orthodox Church and community hall, which he helped build and run, thus leaving his permanent mark on the town. Residents of Home Hill and other areas of the Burdekin actually consider it lucky to have Christos christen their children. And it seems that Christos will be able to christen their children for many more years. Just recently his doctor told him that he was fighting fit and to come back in two years. That is not bad for someone who is 100 years old.

I was honoured to have Christos come into my office earlier this year because he wanted to personally invite me to his 100th birthday, an invitation I happily accepted. Family members and friends travelled from all over to join with hundreds of members of the Burdekin community in celebrating his 100th birthday on Saturday, 16 September with a big party at the local Greek community hall in Home Hill. As part of the celebrations, I was honoured to be able to present

Christos with letters of congratulations from the Queen, the Governor-General of Australia, Queensland's Governor-General, Premier Peter Beattie and other state and federal politicians.

Because Christos has put so much time and effort into Home Hill's Greek community as a source of information and help to Greek people when they first moved to Home Hill in the early days and for being an integral part of St Stephen's Greek Orthodox Church and community hall, I also presented Christos with the state government's first 2001 International Year of the Volunteer medallion for the Burdekin electorate. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

Christos appreciated this very much and in return presented me with a beautiful wooden vase, which he crafted with his own hands using his impressive woodturning skills. He is still turning items on his lathe.

I applaud the State Government for their creation and support of the 2001 International Year of Volunteers with certificates, badges and medallions as they provide the perfect way to thank hard-working and respected volunteer members of our electorates such as Christos Stefanos.

World Skills International Competition

Mr COPELAND (Cunningham—NPA) (11.13 p.m.): This morning I listened with great interest to the ministerial statement of the Minister for Employment, Training and Youth. The minister very enthusiastically pronounced Queensland's magnificent achievements at the World Skills International Competition in Korea last month. As the minister mentioned, one of the competitors was Stephanie Bug, who I am very happy to say is a constituent in my electorate of Cunningham and who works for her father's refrigeration company in Toowoomba. We are all very proud of Stephanie's efforts in representing the Darling Downs and Queensland and winning two gold medals, including best female tradesperson. I congratulate Stephanie on her wonderful achievements.

In the minister's statement he went on to proclaim how his government had long been committed to the goal of producing world-class tradespeople. It is a great pity, then, that the minister and his government were not prepared to show some of this commitment when our Queensland representatives required financial assistance to cover travel and accommodation costs to attend the Korean World Skills final. The state government refused to provide vital funds to match industry support of $38,000 to help the competitors make it to the international event. The South Australian government could manage to find $12,000 for each of that state's competitors to assist with travel and accommodation in Korea. When the World Skills competition was in Montreal, the Victorian government came up with $75,000 for its competitors to assist with travel and accommodation. I find it a very sad indictment on our state government that it refused to find funding to help our champions travel to Seoul and compete when other states willingly came to the party for their representatives.

Equally poor is the state government's distinct lack of commitment towards assisting the coordination of World Skills within our state. The New South Wales government obviously has a greater commitment than our state government towards creating a Smart State, because it has set up the specific position of TAFE New South Wales World Skills Coordinator. This position is vital in that it takes the considerable financial and physical burden of state-wide coordination away from overworked volunteers. The Queensland state government is not willing to establish such a position, and sadly volunteers must coordinate and develop World Skills in Queensland entirely off their own backs. However, the minister is quite correct in stating that TAFE means jobs, and these World Skills results are a wonderful advertisement for undertaking a TAFE course in Queensland.

I have been informed that Queensland has the opportunity to sponsor the 2004 national World Skills finals in Queensland. I strongly encourage the minister and the state government to properly show their commitment to producing and displaying the skills of our world-class tradespeople and do everything in their power to secure this event in our state. I also urge the minister to establish a TAFE Queensland World Skills Coordinator. Volunteers are currently lumped with all of the organisation and coordination in Queensland. As we have witnessed, the state government simply sits back, does nothing and takes the credit. It is time the minister and his state government became fair dinkum about providing tangible support and commitment towards developing our Smart State rather than continually jumping in to steal the credit for achievements in which they have played a very limited role.

Proserpine Rock Wallaby

Ms JARRATT (Whitsunday—ALP) (11.16 p.m.): Sadly, there are over 100 species of Australian animals that are classified as nationally endangered. One of these threatened species, the Petrogale persephone, better known as the Proserpine rock wallaby, is to be found in a very limited area within the electorate of Whitsunday. The Proserpine rock wallaby is one of 11 species of rock wallaby currently recognised in Queensland, but so rare is this animal that it was only discovered and described in 1976.

The wallaby lives in deciduous vine forest habitats, of which approximately 40 per cent is freehold or leasehold land. With a considerable amount of development occurring in the Whitsunday area, combined with the very limited distribution of the animal, the Proserpine rock wallaby has been listed as an endangered species.

But this is a good news story. I am very pleased to report that the Beattie government, through the Queensland Parks and Wildlife Service together with the Natural Heritage Trust, has acted decisively to establish a recovery plan for the Proserpine rock wallaby. The key planks of the recovery plan include identification and protection of the wallaby's habitat, research into management and maintenance of both existing and captive wallaby colonies and the reduction of animal mortality rates due to road deaths, disease and attacks by predators such as wild and domestic dogs.

Community awareness is also an important aspect of the recovery plan. Already much has been done towards meeting the overall objective of seeing the species downlisted from 'endangered' to 'vulnerable' within 10 years. A captive breeding colony has been established on Hayman Island, where habitat conditions are ideal and predators are few. Wallabies are also being bred in holding pens in both the Whitsundays and Townsville to facilitate the transfer of new genetic stock to the captive colonies in order to guarantee the long-term viability of the species.

An important aspect of the recovery plan involves further study and mapping of the wallaby's habitat, which it appears is quite species specific. The recovery team has been fortunate to enlist the assistance of an honours student from James Cook University, Mr Chris Holloway, who as part of his studies will undertake a project to determine what the specialised habitat of the wallaby consists of. It is hoped that his work will enable the eventual identification of other areas of suitable habitat into which the wallaby can be introduced.

Existing colonies are being carefully monitored by local Queensland Parks and Wildlife officers Barry Nolan, Dan Schaper and Emma Martin, who are using cutting-edge technology to observe and monitor these shy creatures. Monitoring techniques include a trial incorporating the use of remote digital cameras to capture images of the wallaby in its natural surroundings. The truly remarkable aspect of this technique is that the camera is operable during the night-time hours, when the wallaby is active. Data collected by the Parks and Wildlife team is contributing to our depth of understanding about the Proserpine rock wallaby, which in turn will assist in the development of appropriate recovery responses.

I wish to acknowledge the important work being undertaken by Peter Johnson, Barry Nolan and the team from the Queensland Parks and Wildlife Service in Airlie Beach and wish them well in their project to rescue the delightful Proserpine rock wallaby from the verge of extinction.

Motion agreed to.

The House adjourned at 11.19 p.m.